

correction of the military record of William Burke—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of the Woman's Christian Temperance Union of Van Wert, Iowa, to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Communication of Hinton Rowan Helper, relating to the intercontinental railway—to the Committee on Railways and Canals.

By Mr. KERN: Petition of retail druggists, of Collinsville, Ill., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MCANDREWS: Resolution of Carpenters and Joiners' Union No. 181, Type Founders' Union No. 3, and Woodworkers' Union No. 7, all of Chicago, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. MORGAN: Petition of 31 citizens of Gallipolis, Ohio, for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. PALMER: Protest of Wilkesbarre Lodge, No. 158, Order of B'rith Abraham, Wilkesbarre, Pa., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RIXEY: Papers to accompany bill for the relief of the legal heirs of James Fellin, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. SHERMAN: Paper to accompany House bill 16749, for increase of pension of Henry P. Mesick—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 7, of Utica, N. Y., in favor of the passage of House bill 16457—to the Committee on Ways and Means.

Also, resolution of Boot and Shoe Workers' Union of Chicago, Ill., advocating the removal of the tariff on hides—to the Committee on Ways and Means.

By Mr. SPERRY: Resolution of Central Labor Union of Waterbury, Conn., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SPIGHT: Papers to accompany House bill 17124 for the relief of the estate of Elizabeth H. Wellford, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: Paper to accompany bill relating to the correction of the military record of Azariah B. Melton—to the Committee on Military Affairs.

Also, paper to accompany House bill granting an increase of pension to Daniel W. Woodruff—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany bill 16453 relating to the correction of the military record of Ernest Brockelman—to the Committee on Military Affairs.

Also, resolutions of the San Francisco Chamber of Commerce, favoring amendment of the navigation laws so as to require masters and chief mates of all vessels over 100 tons to be licensed—to the Committee on the Merchant Marine and Fisheries.

SENATE.

SATURDAY, January 31, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. The Journal is approved.

PUGET SOUND AND LAKES WASHINGTON AND UNION CANAL.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 21st instant, a letter from the Chief of Engineers, United States Army, together with a report of the Board of Engineers, relative to the surveys, examinations, and investigations necessary to determine the feasibility and advisability of constructing a canal with necessary locks and dams connecting Puget Sound with Lakes Union and Washington, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the receipts and disbursements of the Capital Traction Company, together with a list of the stockholders for the year ended December 31, 1902; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of ORVILLE H. PLATT, chosen by the legislature of the State of Con-

necticut a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

Mr. BURNHAM presented the credentials of JACOB H. GAL-LINGER, chosen by the legislature of the State of New Hampshire a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 111) for the relief of William J. Smith and D. M. Wisdom;

A bill (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fehét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company;

A bill (S. 903) for the relief of William D. Rutan;

A bill (S. 916) for the relief of Clara H. Fulford;

A bill (S. 1206) for the relief of Frank J. Burrows;

A bill (S. 1672) for the relief of Elisha A. Goodwin, executor of the estate of Alexander W. Goodwin;

A bill (S. 1928) for the relief of G. H. Sowder;

A bill (S. 3401) for the relief of H. Glafce;

A bill (S. 3555) for the relief of William Dugdale;

A bill (S. 4308) for the relief of Katie A. Nolan;

A bill (S. 4832) for the relief of Col. H. B. Freeman;

A bill (S. 5079) for the relief of George P. White;

A bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy; and

A bill (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3512) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes;

A bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes; and

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Local Union No. 94, American Federation of Labor, of Chicago, Ill., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the petition of Fred Boehme and 80 other citizens of Romeville, Ill., praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the Chicago Federation of Labor, of Chicago, Ill., remonstrating against the repeal of the revenue-stamp tax on eighths kegs of beer; which was referred to the Committee on Finance.

He also presented a petition of Carpenters and Joiners' Local Union No. 416, American Federation of Labor, of Chicago, Ill., and a petition of Amalgamated Wood Workers' Local Union No. 17, American Federation of Labor, of Chicago, Ill., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. KEAN presented a memorial of the Law and Order League of Cape May City, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. Walker Gwynne, of Summit, N. J., praying for the enactment of legislation to recognize and promote the efficiency of chaplains of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Carpenters and Joiners' Local Union No. 330, American Federation of Labor, of Roselle Park, N. J., and a petition of Local Division No. 289, Amalgamated Association of Street Railway Employees, of Hoboken, N. J., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Wendell P. Garrison, of Orange, N. J., and a memorial of the Humane Society of Chicago, Ill., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of the Washington Mill Company, of Spokane, Wash., praying for the enactment of legislation to recognize and promote the efficiency of

Army chaplains; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 102, International Association of Machinists, of Tacoma, Wash., and a petition of Icemen's Union No. 9561, American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. WELLINGTON presented a petition of the Woman's Christian Temperance Union, of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union, of Baltimore, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Indiana Warehousemen's Association, of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Humane Society of Elkhart, Ind., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 141, American Federation of Labor, of Cayuga, Ind., and a petition of Local Union No. 932, American Federation of Labor, of Peru, Ind., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the State board of health of Indianapolis, Ind., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented memorials of the C. H. Campbell Furniture Company, of Shelbyville; of the Charles Hegerald Company, of New Albany; of the Lumbermen's Club, of Indianapolis; of the Indianapolis Brewing Company, of Indianapolis; of Parker & Johnston, of Logansport; of the Keyless Lock Company, of Indianapolis; of the Penn-American Plate Glass Company, of Alexandria, and of the Eagle Cotton Mills Company, of Madison, all in the State of Indiana, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. HOAR presented the petition of John Fraser, of Philadelphia, Pa., praying that he be paid a balance due him for work done on the Chamberlain Hotel, at Old Point Comfort, Va.; which was referred to the Committee on Claims.

Mr. DEPEW presented petitions of Local Union No. 108, of Dunkirk; of the Atlantic Coast Seamen's Union, of New York; of Local Union No. 61, of Troy; of Local Union No. 504, of Flushing; of Bricklayers and Plasterers' Local Union No. 10, of Troy; of the Journeymen Stonecutters' Association, of New York; of Typographical Union No. 205, of Jamestown; of Carpenters and Joiners' Local Union No. 310, of Norwich; of Carpenters and Joiners' Local Union No. 18, of Troy; of Local Union No. 10295, of Port Jervis; of Local Union No. 10482, of Gloversville; of Carpenters and Joiners' Local Union No. 369, of North Tonawanda; of the Central Trades and Labor Assembly of Elmira; of Carpenters and Joiners' Local Union No. 15, of Syracuse; of Local Union No. 30, of New York; of Local Union No. 2, of New York; of Local Union No. 238, of Jamestown; of Journeymen Tailors' Local Union No. 14, of Troy; of the Lake Seamen's Union of North Tonawanda; of Electrical Workers' Local Union No. 28, of Auburn; of Local Union No. 220, of Rochester; of the Wood Carvers' Association of Rochester; of Typographical Union No. 268, of Gloversville; of Local Union No. 231, of Olean; of Loom Fixers' Local Union No. 270, of Jamestown; of Livery Employees' Local Union No. 7036, of Troy, and of Local Union No. 9096, of Jamestown, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Sorosis Society, of Chickasha, Ind. T., remonstrating against the passage of the so-called omnibus statehood bill; which was ordered to lie on the table.

He also presented petitions of the Immigration Restriction League of New York; of the Woman's Christian Temperance Union of Phoenix; of J. B. Murray, of New York; of the Woman's Republican Club of New York; of the Chamber of Commerce of Albany; of Fred Clark, of Seneca Falls; of Rev. A. A. Rathbun and sundry other citizens of Syracuse; of Jennie S. Taylor, of New York; of Reese F. Alsop, of New York; of David G. Wylie, of New York; of William M. Sagar, of Brooklyn; of the Reed Portable Oven Company, of Buffalo; of the University Settlement Society, of New York; of J. B. N. Currey, of New York; of the con-

gregation of the Methodist Episcopal Church of Webster; of Silas F. Smith & Son, of Syracuse; of Red, White, and Blue Council, No. 7, Junior Order of United American Mechanics, of Long Island City; of America Council, No. 67, Junior Order of United American Mechanics, of Brooklyn; of Northern Star Council, No. 11, Junior Order of United American Mechanics, of Brooklyn; of the Woman's Republican Club of New York; of Edward T. Devine, of New York; of William H. Peters, of Saugerties; of the Young People's Society of Christian Endeavor of the Free Baptist Church, of Poland; of the Woman's Christian Temperance Union of Flushing; of Stephen Babcock, of New York; of John McCausland, of Kingston; of James B. Reynolds, of New York; of R. C. Ringwalt, of New York, all in the State of New York, and of the Immigration Restriction League, of Boston, Mass., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. MASON presented a memorial of sundry citizens of West Chicago, Ill., remonstrating against the repeal of the present antiscab law; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the merging of the Interstate Commerce Commission with the proposed department of commerce and labor; which was ordered to lie on the table.

Mr. SCOTT presented a petition of the Woman's Christian Temperance Union of Burnsville, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. QUARLES. I present a joint resolution of the legislature of Wisconsin, in favor of the enactment of legislation to enlarge the powers of the Interstate Commerce Commission. I ask that the joint resolution be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

State of Wisconsin, legislature of 1903, No. 8, S. Joint resolution No. 1, relating to Interstate Commerce Commission.

Whereas continuous effort has been made during the past four sessions of the Congress of the United States to secure legislation giving greater effectiveness to the interstate-commerce act, by investing the Commission created by that act with larger authority with respect to the rates established by common carriers for the transportation of persons or property: Therefore, be it

Resolved by the senate, the assembly concurring, That it is the opinion of this legislature that appropriate and effective legislation to accomplish this purpose be enacted at the earliest possible date.

Resolved, That a copy of the foregoing preamble and resolution be immediately transmitted by the secretary of state to the President of the Senate and to the Speaker of the House of Representatives and each of the Senators and Representatives from this State.

J. O. DAVIDSON,
President of the Senate.
THEO. W. GOLDEN,
Chief Clerk of the Senate.
I. L. LEMOOT,
Speaker of the Assembly.
C. O. MARSH,
Chief Clerk of the Assembly.

Mr. FRYE presented a petition of the Sorosis Club, of the Indian Territory, praying that the Territory be joined to Oklahoma and admitted into the Union as one State; which was ordered to lie on the table.

He also presented the memorial of John Farr and sundry other citizens of New York City, remonstrating against any reduction being made in the tariff on sugar in the proposed treaty with Cuba; which was ordered to lie on the table.

COMMERCE IN THE PHILIPPINES.

Mr. LODGE. I present a letter from the Secretary of War, transmitting a tabular statement of Philippine commerce since the date of American occupation. I move that the letter, together with the statement, be printed as a document, and referred to the Committee on the Philippines.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7207) granting an increase of pension to May Mosher Chase;

A bill (H. R. 14687) granting a pension to Margaret Brennan;

A bill (H. R. 14963) granting an increase of pension to Herman Tuerck;

A bill (H. R. 3578) granting an increase of pension to Erastus E. Edmunds;

A bill (H. R. 13534) granting an increase of pension to James Evans; and

A bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyeneth.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6941) granting a pension to James Monty, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 15659) granting a pension to Elise Sigel;

A bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell; and

A bill (S. 4287) granting an increase of pension to David N. Tolles.

Mr. BURNHAM, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by himself on the 14th instant proposing to appropriate \$40,000 to enable the inhabitants of the district of Alaska to provide and maintain an exhibit of the products and resources of that district at the Louisiana Purchase Exposition in the city of St. Louis, Mo., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

STATEHOOD AMENDMENTS.

Mr. QUAY. I am directed by the Committee on Organization, Conduct, and Expenditures of the Executive Departments, to whom was referred the amendment submitted by me on the 28th instant, proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed to the Agricultural appropriation bill, to report it with an amendment. I ask that it be referred to the Committee on Agriculture and Forestry, and printed.

The PRESIDENT pro tempore. The proposed amendment will be printed and referred to the Committee on Agriculture and Forestry.

Mr. BEVERIDGE. Mr. President, before the reference is made, I ask that the amendment may lie over for a day under section 2 of Rule XXVI.

The PRESIDENT pro tempore. The Chair does not think that the rule applies to simply an amendment reported.

Mr. BEVERIDGE. I call the attention of the Chair to the second clause of Rule XXVI:

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The PRESIDENT pro tempore. The Chair is inclined to think that this—

Mr. BLACKBURN. Mr. President, I do not think the amendment comes under the provision of the rule.

Mr. BEVERIDGE. "All reports of committees."

Mr. BLACKBURN. Well, let the rule be read.

Mr. BEVERIDGE (reading):

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

Mr. BLACKBURN. I am quite sure that if the view shall be taken that an amendment reported from a committee, to be offered to an appropriation bill, is to lie over upon objection, without a direct reference to the committee that has charge of that general appropriation bill, it is the establishment of a new precedent in the experience of the Senate. I know of no instance in which such a proposed amendment to a general appropriation bill has ever failed to be referred directly to the committee having charge of that appropriation bill.

The PRESIDENT pro tempore. The Chair knows of no such instance, but is inclined to think that the rule is broad enough to apply to it if objection is made. The Chair never knew the objection to be made.

Mr. LODGE. It seems to me that the rule is very broad. It says "all subjects" with which a committee is charged. Now, this is a subject with which a committee is charged, and it seems to me that if the objection is made it falls within the rule.

The PRESIDENT pro tempore. The Chair will so hold.

Mr. BEVERIDGE. It says "all reports of committees."

Mr. QUAY. What is the ruling?

The PRESIDENT pro tempore. The ruling is that the amendment lies over for one day.

Mr. QUAY. That is, that every report of this character must go over for one day unless by unanimous consent the Senate shall otherwise order?

The PRESIDENT pro tempore. The Chair so holds.

Mr. QUAY. It is a matter of no consequence. I merely wished to know the ruling.

The PRESIDENT pro tempore. The Chair so holds.

Mr. HOAR. Let the rule to which attention was called, the second clause of Rule XXVI, be read.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for the reading of the clause of the rule relating to this subject. It will be read.

The Secretary read from the Senate Manual, page 25, Rule XXVI, clause 2, as follows:

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

Mr. QUAY. I am also directed by the Committee on Organization, Conduct, and Expenditures of the Executive Departments, to whom was referred the amendment submitted by me on the 28th instant proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed to the sundry civil appropriation bill, to report it with an amendment. I ask that it be referred to the Committee on Appropriations, and printed.

Mr. BEVERIDGE. I did not hear what the report is.

Mr. QUAY. It is the same report except it goes to the Committee on Appropriations.

Mr. BEVERIDGE. I make the same request.

The PRESIDENT pro tempore. The Senator from Pennsylvania reports favorably from the Committee on the Organization, Conduct, and Expenditures of the Executive Departments—

Mr. BEVERIDGE. Let it lie over a day.

The PRESIDENT pro tempore. A certain amendment favorably, and asks its reference to the Committee on Appropriations. Is there objection?

Mr. BEVERIDGE. Let it go over, Mr. President.

The PRESIDENT pro tempore. The Senator from Indiana objects to the present reference, and the amendment goes over under the rule.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS.

Mr. STEWART, from the Committee on Indian Affairs, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby authorized to investigate the claim of the Ogden Land Company to the lands of the Seneca Nation of Indians in the State of New York, and the proposed allotment of said lands in severalty to said Indians. Also to investigate and report upon such other matters affecting the Indians or the Indian service as the committee shall consider expedient. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine; and the actual and necessary expenses of said investigations to be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 7209) for the relief of Michael Conlan; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 7210) to regulate interstate traffic in adulterated, misbranded, and imitation foods and drugs, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7211) to provide for the inspection of the records of the health office of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 7212) to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the time and places for holding courts therein, and for other purposes, approved May 2, 1884; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. QUAY for (Mr. PENROSE) introduced a bill (S. 7213) granting a pension to Adeline C. Roberts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 7214) granting land warrants to soldiers and sailors of the Spanish-American war; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FORAKER introduced a bill (S. 7215) to provide that the Washington, Potomac and Chesapeake Railroad Company may extend its tracks in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7216) granting an increase of pension to John Weaver; and

A bill (S. 7217) granting a pension to Fidelia Sellers.

Mr. WELLINGTON introduced a bill (S. 7218) granting an increase of pension to Selah V. Reeve; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7219) granting an increase of pension to Ira G. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a joint resolution (S. R. 161) proposing an amendment to the Constitution to limit fortunes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate \$2,500 for grading and macadamizing Woodley road, between Wisconsin avenue and Idaho avenue, and \$10,000 for grading and improving Wisconsin avenue, between Thirty-seventh street and Massachusetts avenue, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COMMITTEE ON PUBLIC LANDS.

Mr. HANSBROUGH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ an assistant clerk at an annual salary of \$1,200, to be paid from the contingent fund of the Senate until otherwise provided for by law.

CALENDAR OF RESOLUTIONS.

Mr. HOAR. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Ordered, That in making up the Calendar of Business, resolutions coming over from a previous day entitled under the rules to be laid before the Senate as a part of the morning business shall be included in the order in which they are so entitled.

Mr. HOAR. Mr. President, it will be a great convenience, I think, to all Senators to know from the Calendar when a resolution which comes over from a previous day is expected to come up.

I will modify the resolution, and instead of saying "as a part of the morning business," I will say "at the close of the morning business." That is the phrase which the Chair commonly uses.

The PRESIDENT pro tempore. The resolution will be so modified. The Chair desires to ask the Senator from Massachusetts if the resolution does not involve a change in the rules or a new rule, which would require one day's notice before receiving consideration?

Mr. HOAR. I do not understand that a direction to the officer who makes up the Calendar is a rule. I think such directions have been given frequently by an ordinary resolution of the Senate. I suppose a rule is an order for the conduct of the business of the Senate, and not merely a direction that something shall be printed for its information.

The PRESIDENT pro tempore. The Chair accepts the judgment of the Senator from Massachusetts. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

STEAMERS W. L. EWING AND LOUISVILLE.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a statement of claims allowed by the accounting officers of the Treasury in settlements 5201, of 1885, and 5303, of 1885, named in House Executive Document No. 153, Forty-eighth Congress, second session, said claims having been made by certain marine-insurance companies of Cincinnati, Ohio, and St. Louis, Mo., being for insurance paid by them to the owners of the steamers W. L. Ewing and Louisville, said vessels having been destroyed while in the employ of the United States Government, and the amount of insurance paid by said companies, respectively, having been deducted from the value of the vessels as determined and paid by the United States to the owners thereof, and the amount of said insurance being still retained in the possession of the United States.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had, on the 30th instant, approved and signed the following acts:

An act (S. 2296) to amend an act approved March 2, 1895, relative to public printing; and

An act (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 3243) to redeem certain outstanding certificates of the board of audit, the board of public works, and the Commissioners of the District of Columbia; and

An act (S. 4231) authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. CULLOM. Mr. President, it is desirable that we should have an executive session to-day, and as after 2 o'clock other business will intervene—

The PRESIDENT pro tempore. Will the Senator from Illinois suspend for one moment? Perhaps it may be desired to have a resolution coming over from a previous day retain its place, or something of that kind.

Mr. CULLOM. Very well.

The PRESIDENT pro tempore. If the Senator from Illinois will withdraw his motion for one moment—

Mr. CULLOM. I will.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 348, by Mr. RAWLINS, calling on the Secretary of War to inform the Senate what courts-martial have been ordered and held in the Philippine Islands.

Mr. BERRY. Mr. President, I had intended this morning to make a few remarks on the resolution, but I do not wish to interfere with the Senator from Illinois, and if it can retain its place on the table where it now stands, I will ask that that course be taken.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the resolution may retain its place on the table. Is there objection? The Chair hears none.

CONFEDERATE MOUND, OAK WOODS CEMETERY, CHICAGO.

Mr. ALGER. I ask unanimous consent for the present consideration of House bill 9360.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. CULLOM. I yield to the Senator.

Mr. ALGER. I ask unanimous consent for the present consideration of the bill (H. R. 9360) for the improvement and care of Confederate Mound in Oak Woods Cemetery, Chicago, Ill., and making an appropriation therefor.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to enter into a contract with the Oak Woods Cemetery Association for the improvement and ornamentation of the plat of ground owned by the United States and known as "Confederate Mound," located in Oak Woods Cemetery, Chicago, Ill., in which are buried 12 Union and 4,039 Confederate soldiers, who died at Camp Douglas during the war of the rebellion, so as to bring the condition of the plat of ground up to the standard of the improvements in the cemetery surrounding it. To defray the expenses of the improvement provided for in section 1 of the act \$3,850 is appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I desire to state—

Mr. MCCOMAS. I ask the Senator to let me put a question to him before he makes his motion. I apprehend the Senator from Illinois does not mean by an executive session to interfere with the special order at 2 o'clock.

Mr. CULLOM. I was about to state, without the interrogatory being put to me, that the only purpose I have will be disposed of in a very few minutes. So far as I am concerned, I desire an executive session for a very few minutes for a special purpose. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

WEDEN O'NEAL.

Mr. DEBOE. I ask unanimous consent for the present consideration of the bill (H. R. 12316) granting an increase of pension to Weden O'Neal.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Weden O'Neal, late colonel Fifty-fifth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN INDIANA.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (S. 6147) to establish a fish-hatching and fish station in the State of Indiana.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Indiana, including purchase of

site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OVERTIME CLAIMS OF LETTER CARRIERS.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 2429) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation.

The Secretary read the bill: and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 11, after the words "two hundred and eighty-two thousand," to strike out "eight hundred and forty-four dollars and ninety-six," and insert "nine hundred and forty-three dollars and eighty-eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several parties named in Senate Document No. 216, Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, second session, or their legal representatives, out of any moneys in the Treasury not otherwise appropriated, the amounts set opposite each of their names, respectively, aggregating \$282,943.88, representing services actually performed by them as letter carriers in excess of eight hours per day and reported by commissioners of the Court of Claims as being the amounts due them under the provisions of the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," but which have been excluded or excepted from judgment for the sole reason that the same were barred by the statute of limitations.

Mr. PLATT of Connecticut. By what committee has this bill been reported?

The PRESIDENT pro tempore. By the Committee on Claims.

Mr. WARREN. I will say, Mr. President, that a bill similar in terms to this has been recommended by Postmasters-General W. S. Bissell and Charles Emory Smith, also by Attorney-General John W. Griggs. This bill is for the payment of the amount found due by commissioners of the Court of Claims.

The Postmaster-General, in the earlier stages of the controversy, assured the letter carriers that it was not necessary to go to the Court of Claims, but that they would be taken care of by the Department. Congress, however, did not make the necessary appropriation, and the statute of limitations intervened. This bill is to correct that difficulty and to pay the amount found due by the commissioners of the Court of Claims.

The report accompanying the bill is very full, and the case a complete and deserving one.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Claims, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF PERSONS ACCUSED OF CRIME.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 7124) to provide for the removal of persons accused of crime to and from the Philippine Islands, Guam, Tutuila, and Manua for trial.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of section 1014 of the Revised Statutes, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Philippine Islands, Guam, Tutuila, or Manua of any fugitive from justice charged with the commission of any crime or offense against the United States within the Philippine Islands, Guam, Tutuila, or Manua, and shall apply within the Philippine Islands, Guam, Tutuila, or Manua for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Philippine Islands, Guam, Tutuila, or Manua, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Philippine Islands, Guam, Tutuila, or Manua, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant.

SEC. 2. That the provisions of sections 5278 and 5279 of the Revised Statutes, so far as applicable, shall apply to the Philippine Islands, Guam, Tutuila, or Manua, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

Mr. LODGE. I move to amend—

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Unanimous consent has not yet been given for the consideration of the bill. Is there objection to its present consideration?

Mr. HOAR. I should like to reserve the right to object.

Mr. LODGE. If the bill is going to give rise to debate, I will withdraw it; but I should like to be allowed to make a single statement.

Mr. TILLMAN. I was merely going to ask a question for information.

Mr. LODGE. I think if the Senator will allow me to make a brief statement it will probably meet any objection he may have to the bill.

Mr. TILLMAN. Very well.

Mr. LODGE. There is now no means of getting an offender against the laws of the United States from the Philippines, Guam, Tutuila, or Manua. This bill provides means for getting offenders against the laws of the United States or against the laws of any State or Territory who take refuge in those islands in the same way as offenders against their laws can be extradited from this country to those islands. As it is now those islands are simply a refuge for fugitives from justice. Of course we can have no extradition treaties with them, and we have no law extending to them enabling us to get a fugitive from justice, as we have a law enabling us to get a fugitive from justice in a State or Territory in the Union.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HOAR. I should like to ask my colleague a question, and I should like to reserve the right to object to the bill, if I may, until I can have an opportunity to ask the question.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. What I want to know is, what is the government, what are the courts, and what are the trials in Guam, in these other islands, and in the Philippine Islands?

I will say to my colleague, before he answers the question, that I understand there is practically no government whatever in Guam—I understand from the message of the President that that is the case—except that the Secretary of the Navy has arbitrary power there under the war power as the representative of the Chief Executive, and that under Executive direction the Secretary of the Navy has instituted a government there.

I inquire whether it would not practically answer my colleague's purpose to confine this legislation to the Philippine Islands alone, rather than to go into the matter of whether the United States citizens have proper security against being sent out there from their homes on the mere requisition of a naval lieutenant.

I wish to say that we made a very careful provision regarding this matter in respect to Cuba, and there can be no objection that I can see to extending the same provision to the Philippine Islands, but under the provisions of the bill as it now stands I should not like to incur the risk of having myself or my colleague liable legally to be seized in our houses and taken out to Guam on the requisition of a naval lieutenant, and that is what this bill as it now stands would permit, I am afraid.

Mr. LODGE. I do not think we could be taken out on the requisition of a lieutenant, because there are regularly established courts in those islands.

Mr. HOAR. What are they?

Mr. LODGE. They were established under an order of the Department. They are regularly organized courts with a chief justice, an attorney-general, and regular law officers who are now serving under the Government of the United States, having been appointed under the authority of the Navy Department, that being the only way in which they could be appointed.

My interest of course is greater in the Philippines than in these other islands, but I think it would be very unfortunate to make the other islands places where fugitives from justice would be likely to seek refuge; and I should think it desirable that there should be some way of getting back for trial any American citizens who happened to be in those islands and who committed crimes there.

Mr. HOAR. Mr. President, we have always guarded with great care the deportation of American citizens from one State to another, and the executive authorities of all the States have exercised a certain discretion which has sometimes seemed to be perhaps opposed to the letter of the law. I think there was some such case in the State of Indiana, where the governor refused to recognize a request for extradition from Kentucky.

The two Houses had this matter in regard to Cuba under consideration and they required that before American citizens should be taken to Cuba, which was in possession of the United States authorities, there should be security that the person accused should have a trial where the customary constitutional safeguards were substantially preserved.

In the island of Guam I understand there are nine or ten thousand natives, or thereabouts, and the judicial authority in existence there, as I understand from the statement of my colleague, is one appointed by the Secretary of the Navy. Of course the Secretary of the Navy would be responsible for the proper administration of the law there, and if any man in the world could be safely intrusted with such authority, the present Secretary of the

Navy is the man, as we all know, and, of course, the ultimate responsibility will rest with him.

I should like to have this bill go over, unless my colleague will consent to confine its operations to the Philippine Islands.

Mr. LODGE. I am perfectly willing, Mr. President, to strike out the words "Guam, Tutuila, or Manua," wherever they occur in the bill, if that will hasten action, but I think it would be a great pity to do so. I am, however, so anxious to get this bill through that I will consent to that amendment.

Mr. FORAKER. I rise to suggest to the Senator from Massachusetts that the Committee on Pacific Islands and Porto Rico have reported favorably two bills, one providing a civil government for Guam, and the other a civil government for Tutuila.

Mr. LODGE. I was aware of that.

Mr. HOAR. I suggest that the proper provision to cover the cases of these other islands be put in those bills.

Mr. LODGE. Very well.

Mr. FORAKER. I will do that if that will be agreeable.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. LODGE. I move to amend the bill by striking out the words "Guam, Tutuila, or Manua," wherever they occur, so as to confine it to the Philippine Islands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the removal of persons accused of crime to and from the Philippine Islands."

PORT OF DELIVERY AT SALT LAKE CITY, UTAH.

Mr. KEARNS. I ask unanimous consent for the present consideration of the bill (S. 7168) to establish a port of delivery at Salt Lake City, Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF THE ARMY.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 15449) to increase the efficiency of the Army. It will only take a few moments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 2, in section 3, line 23, after the word "officer," to strike out "except a general officer;" so as to make the section read:

SEC. 3. That the general staff corps shall consist of 1 chief of staff and 2 general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general; 4 colonels, 6 lieutenant-colonels, and 12 majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; 20 captains, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the general staff corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the general staff corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the general staff corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the general staff corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency in time of war.

The amendment was agreed to.

The next amendment was, on page 3, in section 4, line 4, after the word "President," to insert "or the Secretary of War;" so as to make the section read:

SEC. 4. That the chief of staff, under the direction of the President or the Secretary of War, shall have supervision of all troops of the line and of the Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the chief of staff or other officer designated by the President. Acts and parts of acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the general staff corps.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert as a new section the following:

SEC. 5. That the Chief of Artillery shall hereafter serve as an additional member of the general staff and shall have the rank, pay, and allowances of a brigadier-general.

The amendment was agreed to.

Mr. COCKRELL. By instruction of the Committee on Military

Affairs, I offer an amendment to come in at the end of section 5, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. At the end of section 5 it is proposed to insert:

And the provisions of the foregoing sections of this act shall take effect August 15, 1903.

The amendment was agreed to.

Mr. FORAKER. By instruction of the Committee on Military Affairs, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 6. That any officer of the Army now on the active list below the grade of major-general who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war before April 9, 1865, shall, when retired, be retired by the President, by and with the advice and consent of the Senate, with the rank and pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed 35 years, and shall not apply to any officer who has been placed on the retired list by virtue of any act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement.

Mr. HOAR. I ask the Senator from Ohio—I do not know but it is a mere caviling question—whether the amendment should not read:

Any officer who has been placed on the retired list by virtue of any special act of Congress, etc.

Mr. FORAKER. I agree to that modification of the amendment.

The PRESIDENT pro tempore. The Senator from Ohio modifies his amendment by inserting in line 13 thereof, before the words "act of Congress," the word "special." The question is on the amendment, as modified.

The amendment, as modified, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BERRY subsequently said: I desire to enter a motion to reconsider the vote by which the Senate passed a few moments ago the bill (H. R. 15449) "to increase the efficiency of the Army." I think it is the general staff bill. I wish to enter the motion to reconsider. I do not wish to take it up now.

Mr. BATE. I wish to make a motion in regard to the bill to which the Senator from Arkansas has entered a motion to reconsider. I think, inasmuch as the motion has been entered to reconsider the bill known as the staff bill, it had better be reprinted; and I move that it be reprinted and distributed to Senators.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the Army bill which was passed a short time ago, and in relation to which the Senator from Arkansas has entered a motion to reconsider, be reprinted.

Mr. BATE. As it now is.

The PRESIDENT pro tempore. As it now is.

Mr. BATE. With the amendments.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made.

HEIRS OF MARY AND FRANCIS OR JENNY CLARK.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 8238) for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue a patent in fee simple to the heirs of Mary Clark and Francis or Jenny Clark, deceased, late of Oklahoma Territory, for the northwest quarter of section 17 in township 13 north, of range 8 west, of the Indian meridian, in that Territory, and the northeast quarter of section 26 in township 11 north, of range 8 west, of the Indian meridian, the patent to issue in lieu of a patent issued to Francis or Jenny Clark May 20, 1892, for the first-described tract, and a patent issued to Mary Clark on the 6th of May, 1892, for the last-described tract; each of the patents being trust in their character and issued under the provisions of the act of Congress approved February 8, 1887, as amended by the act of March 3, 1891, the allottees being members of the Cheyenne or Arapahoe tribe of Indians; and the lands when so patented shall be subject to taxation under the laws of the Territory of Oklahoma.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREST LIEN LAND SELECTIONS IN MONTANA.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (S. 6339) to confirm certain forest lien selections made under the act approved June 4, 1897. (30 Stats., 36.)

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all bona fide selections under the act approved June 4, 1897 (30 Stats., 36), of lands in Montana which lie within the territory opened to entry under the provisions of the act approved May 1, 1888, chapter 213, 25 Statutes, 113 to 133, entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," made prior to the decision of the Commissioner of the General Land Office dated October 20, 1902, in the case of George L. Ramsey, holding that such lands are subject to disposal only under the forms of entry provided by the act of May 1, 1888, shall be confirmed, no other valid objection to the acceptance of such selections appearing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. Mr. President, I gave notice the other day that at the earliest possible moment I should call up for consideration the Army appropriation bill. I now wish to say that I hope to call that bill up on Monday next immediately after the routine morning business.

DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C. There will be no objection to it, I think.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the property situated in square No. 173, in Washington City, D. C., occupied by the Daughters of the American Revolution, be exempted from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

This bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTIAN CHURCH OF HENDERSON, KY.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of the bill (H. R. 288) for relief of the Christian Church of Henderson, Ky.

It appropriates \$500 to the Christian Church of Henderson, Ky. This bill has passed the House; it has been favorably and unanimously reported by the Committee on Claims here through its chairman, and it is only four and a half lines long.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Christian Church of Henderson, Ky., \$500 for rental of the church while occupied by United States troops during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFE-SAVING STATION AT CAPE FLATTERY, WASHINGTON.

Mr. FOSTER of Washington. I ask unanimous consent to call up the bill (S. 261) providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE DISTRICTS.

Mr. DUBOIS. I ask unanimous consent for the present consideration of the bill (S. 6847) to increase the number of light-house districts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act approved July 26, 1886, so as to increase the number of light-house districts from 16 to 18.

Mr. ALDRICH. From what committee does the bill come?

The PRESIDENT pro tempore. From the Committee on Commerce.

Mr. DUBOIS. It was reported from the Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. SHUFELDT.

Mr. BURNHAM. I ask unanimous consent for the present consideration of the bill (S. 3309) for the relief of Mary A. Shufeldt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 5,

before the word "thousand," to strike out "twenty" and insert "ten;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to Mary A. Shufeldt, for distinguished services rendered by her father, Rear-Admiral R. W. Shufeldt, United States Navy, in negotiating the treaty between the United States and Korea, and for services rendered and expenses incurred by her while acting as his secretary during the negotiations of the said treaty and other diplomatic duties performed by her father for the United States, for which she has never received compensation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY. I rise to ask the unanimous consent of the Senate that at 2 o'clock on the 17th day of February a vote be taken on what is known as the omnibus statehood bill and pending amendments.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on the 17th day of February, at 2 o'clock, a vote be taken on the omnibus statehood bill, so called, and all pending amendments and amendments at that time offered, without further debate. Is there objection?

Mr. BEVERIDGE. I regret, Mr. President, that I can not accede to the request of the Senator from Pennsylvania.

The PRESIDENT pro tempore. Objection is made.

HEWLETTE A. HALL.

Mr. CLAY. I ask that the bill (S. 6056) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition be put upon its passage.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Hewlette A. Hall \$1,583.35, being balance due of \$2,000 promised him for services in connection with the Paris Exposition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENDER FOR TWELFTH LIGHT-HOUSE DISTRICT.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 6536) providing for the construction of a tender for the Twelfth light-house district.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury, at a total cost not exceeding \$125,000, to enter into a contract for the construction of a large, powerful, seagoing tender for the Twelfth light-house district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEANDER C. McLELLAND.

Mr. DOLLIVER. I ask unanimous consent to call up the bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the estate of Leander C. McLelland, deceased, late of Cobb County, Ga., \$5,500 for cotton taken by or furnished to the military forces of the United States for hospital purposes during the late war for the suppression of the rebellion.

Mr. PLATT of Connecticut. Is there a report with the bill? If there is, I should like to hear it.

The PRESIDENT pro tempore. The report will be read.

Mr. DUBOIS. I will state to the Senator from Connecticut that the bill has been carefully considered by the House; the amount cut down. It has unanimously passed through the committee and the House.

Mr. PLATT of Connecticut. What were the circumstances under which the cotton was taken?

Mr. DUBOIS. Either the Senator from Iowa or I can explain it.

Mr. PLATT of Connecticut. I should like to hear some explanation.

Mr. DOLLIVER. This is a claim for cotton taken by the Federal troops shortly after the battle of Kenesaw Mountain, from a loyal citizen, for use in the hospitals which were set up on the field after that battle. The bill has passed the House of Representatives repeatedly, and comes here now unanimously reported by the Committee on Claims. It is a very just bill, I think.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGES.

Mr. ELKINS. I ask unanimous consent for the present consideration of the bill (S. 6950) to amend an act entitled "An act

to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872, and an act supplementary thereto, approved February 14, 1883. It has been unanimously reported from the Committee on Commerce, with an amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from West Virginia?

Mr. QUAY. Mr. President, I will be very glad if the Senator from West Virginia will allow this bill to go over until Monday, when my colleague will be present. I think possibly at that time there will be no objection to the bill, but I am not certain. It covers the bridges on the Monongahela River in the vicinity of Pittsburgh, as I understand.

Mr. ELKINS. Yes, sir; from Pittsburgh up.

Mr. QUAY. I would not agree, as it involves Pennsylvania bridges, to permit it to pass at present. It was brought to my attention only this morning by the secretary of my colleague, who said my colleague was absent and desired that I should mention his wishes in the matter.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. QUAY. I do not object especially, except for the reason stated.

WILLIAM P. TAYLOR.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 4876) to remove the charge of desertion from the military record of William P. Taylor, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "discharge," to insert "of date February 7, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of William P. Taylor, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and Company A, Fortieth Ohio Volunteer Infantry, and to grant him an honorable discharge of date February 7, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SPOONER. I should like to ask the Senator from Missouri if the bill contains the usual provision of such bills in respect to allowances for pension, and all that?

Mr. COCKRELL. I do not know.

Mr. FORAKER. What is the inquiry?

Mr. SPOONER. Ordinarily it is provided in such bills that—

Mr. COCKRELL. No pay, bounty, or other allowance shall accrue.

Mr. SPOONER. That no pay, bounty, or other allowance shall accrue, or a pension.

Mr. COCKRELL. I ask that the bill be read again, so that I may see whether it contains the provision referred to by the Senator from Wisconsin.

Mr. FORAKER. No, it does not contain such a provision.

The Secretary again read the bill.

Mr. COCKRELL. Let the bill be amended by inserting the usual words:

Provided, That no pay, bounty, or other allowance shall accrue by reason of the passage of this act.

Mr. FORAKER. There is no objection to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORRECTION OF MILITARY RECORDS.

Mr. PLATT of Connecticut. Mr. President, I presume that the bill which has just passed is all right, but we have a great many of these bills correcting records and granting honorable discharges, and I wish to inquire of the Senator from Missouri whether it is not possible to make some amendment in our laws regulating and governing this matter, so as to relieve Congress from the necessity of considering these special cases. I suppose these special cases all come under some general principle, about which provision might be made. I do not know whether it is possible safely to change our laws so as to liberalize them in this respect, but surely, if there are so many cases in which relief ought to be granted by special acts, it seems to me there might be a bill brought in which would relieve the Military Committee and Congress from the necessity of considering these special cases. I should like the Senator's idea upon that point.

Mr. COCKRELL. I will say in explanation, that we have passed a general law, and that general law is just as liberal as the Committee on Military Affairs for years back has deemed it prudent and wise to go. We have authorized the War Department to remove the charges in cases, for example, where a man leaves one company without leave, is marked a deserter, and goes and joins

another. If he does that within four months, one hundred and twenty days, the War Department relieves him. But suppose he did not do it until four months and one day or two days. Then the War Department can not relieve him.

Then, again, the War Department is authorized to remove charges of desertion where the man was absent and sick, and unable to return and rejoin his command until it was mustered out. Then it is a question of the competency of the evidence offered to establish the fact of his disability.

We think we have gone just as far as we properly can in the way of general legislation. We have guarded all bills so that there is no opportunity to get arrears of pay or anything of the kind.

There have been a number of bills to extend the laws, but if you extend them much further you open a wider door than exists now.

OKLAHOMA CITY AND WESTERN RAILROAD.

Mr. COCKRELL. I ask unanimous consent to call up the bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes. It is a very short bill and quite an important one. It has the approval of the Secretary of War, and has passed the House. There are some amendments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, in section 2, page 2, line 15, after the words "Provided further," to strike out:

That the said right of way shall be parallel with and contiguous to the right of way granted to the Chicago, Rock Island and Pacific Railroad by the act of Congress approved January 31, 1900; that

And insert the word "That;" in line 20, after the word "Oklahoma," insert the word "City;" in line 23, after the word "Oklahoma," to insert the word "City;" on page 3, line 4, after the word "Oklahoma," to insert the word "City;" on page 3, line 6, after the word "Railroad," to strike out "and distant not more than half a mile from the flagstaff at Fort Sill;" in line 8, after the word "Oklahoma," to insert the word "City;" in line 9, after the word "and," to strike out "will construct and maintain a side track from their station to the quartermaster and commissary storehouses at Fort Sill; that the Oklahoma and Western Railroad Company;" in line 16, after the word "Oklahoma," to insert "City;" and in line 18, after the words "Secretary of War," to strike out:

And provided further, That this act shall not be considered to grant any title to the lands selected for such right of way, but that the right to take and use such lands for said purpose shall be revocable at will by the Secretary of War.

So as to read:

That no more space on the military reservation be given to the said Oklahoma City and Western Railroad Company than was given to the Chicago, Rock Island and Pacific Railroad under the terms of the act of January 31, 1900; that the Oklahoma City and Western Railroad Company will fence its right of way and lay and maintain sufficient fence equal to that built by the Chicago, Rock Island and Pacific Railroad and will provide and maintain suitable crossings opposite those already provided by the said Chicago, Rock Island and Pacific Railroad; that the said Oklahoma City and Western Railroad Company will build and maintain a suitable station house near the station of the Chicago, Rock Island and Pacific Railroad; that the Oklahoma City and Western Railroad Company will provide suitable and sufficient side track at their station and will construct and maintain sufficient stock pens and provide sufficient facilities for loading and unloading cattle and horses on the ground set apart for their station: *Provided further,* That the said Oklahoma City and Western Railroad Company shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Oklahoma City and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes."

WATER SUPPLY OF BATESVILLE, ARK.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (S. 6754) authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF PUBLIC LANDS.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 6290) to extend the provisions of section

2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands.

The Secretary read the bill, as follows:

Be it enacted, etc., That where any of the public lands of the United States are now open, or shall hereafter be opened to actual settlers only, under the provisions of the homestead law and under the law relating to town sites, and for that reason section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to the sale of isolated or disconnected tracts or parcels, is not applicable from and after the passage and approval of this act, a sale under the last-named section as so amended of any isolated or disconnected tracts or parcels may be ordered by the Commissioner of the General Land Office: *Provided, however,* That the minimum price for which such tracts or parcels shall be sold shall be the price required by the act under which the land so sold is subject to entry: *And provided further,* That where no price is provided in the act opening the said lands then the price for which said lands shall be sold shall be not less than \$1.25 per acre.

Mr. DUBOIS. Is there a report accompanying the bill?

The PRESIDENT pro tempore. There is.

Mr. DUBOIS. I should like to hear the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. GAMBLE December 10, 1902, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 6290) to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, having had the same under consideration, make the following report and recommend that the bill do pass:

The purpose of this bill is to extend the provisions of section 2455 of the Revised Statutes. The foregoing section as amended by the act of February 26, 1895, is as follows:

"Sec. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell for not less than \$1.25 per acre any isolated or disconnected tract or parcel of the public domain less than one-quarter section, which in his judgment it would be proper to expose to sale after at least thirty days' notice by the land officers of the district in which such lands may be situated: *Provided,* That lands shall not become so isolated or disconnected until the same have been subject to homestead entry for a period of three years after the surrounding land has been entered, filed upon, or sold by the Government: *Provided,* That not more than 160 acres shall be sold to any one person."

The law as it exists is general in its provisions and has been in operation for many years. Where lands have been opened to settlement under special provisions it is held by the Interior Department the provisions of the foregoing section do not apply. In such cases there is no law authorizing the Commissioner of the General Land Office to sell or dispose of isolated tracts situated therein.

The ceded portion of the Great Sioux Reservation in South Dakota may serve as an example. This is disposed of under the provisions of section 1 of the act of March 2, 1889. (25 Stat. L., 888.) Under this act the disposal of the lands is restricted to actual settlers only under the provisions of the homestead law and under the law relating to town sites. It is held by the Department that lands the disposal of which is thus restricted can not be sold under the provisions of the foregoing section. (See case of W. D. Harrington, 29 L. D., 153, and case of Jos. L. White, 30 L. D., 536.)

There appears to the committee no valid reason why the provisions of the existing statute should not be extended and the law made applicable alike to all lands, notwithstanding the specific provision under which the same may have been opened.

The bill has the approval of the Interior Department, and the communications of the Secretary and of the Commissioner of the General Land Office are herewith submitted and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, December 1, 1902.

SIR: I have the honor to acknowledge the receipt, by reference from your committee for views thereon, of a copy of S. 6290, entitled "A bill to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands."

In answer to the reference I inclose a copy of the favorable report on the bill by the Commissioner of the General Land Office, under date of July 8, 1902, in which I concur.

Very respectfully,

E. A. HITCHCOCK, Secretary.

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS,
Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 8, 1902.

SIR: I have the honor to acknowledge the receipt, by your reference for early report, in duplicate, of a copy of Senate bill No. 6290, "To extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands."

Said bill provides:

"That where any of the public lands of the United States are now open, or shall hereafter be opened to actual settlers only, under the provisions of the homestead law and under the law relating to town sites, and for that reason section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to the sale of isolated or disconnected tracts or parcels, is not applicable from and after the passage and approval of this act, a sale under the last-named section as so amended of any isolated or disconnected tracts or parcels may be ordered by the Commissioner of the General Land Office: *Provided, however,* That the minimum price for which such tracts or parcels shall be sold shall be the price required by the act under which the land so sold is subject to entry: *And provided further,* That where no price is provided in the act opening the said lands, then the price for which said lands shall be sold shall be not less than \$1.25 per acre."

I am of the opinion where lands have been or may hereafter be thrown open to entry under the homestead or town-site laws only, and any small or isolated tract or tracts thereof have remained undisposed of under the special acts for a period of three years after the surrounding lands have been entered, filed upon, or sold by the Government, that it is strong presumptive evidence that they are not suitable for the purposes intended and might, therefore, be properly disposed of under section 2455 Revised Statutes.

For the reason stated I recommend favorable action on the bill.

Copy of Senate bill 6290 and of this report herewith inclosed.

Very respectfully,

BINGER HERMANN, Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. DUBOIS. Mr. President, without intending the slightest discourtesy to the Interior Department, they sometimes recommend measures that I think after full discussion the Senate would not agree to. This proposed legislation is not clear to me, and I would be very glad if the Senator from South Dakota [Mr. GAMBLE] would explain just what is intended by it. I do not, of course, want to object to the consideration of the bill if I can help it.

Mr. GAMBLE. Mr. President, the general law, as it exists, permits the sale by the Commissioner of the General Land Office of segregated tracts of public land after the surrounding land has been settled and occupied for a space of three years or upward. Small, isolated unoccupied tracts can then be advertised and sold, but to no one person can there be a sale made exceeding 160 acres. That is the general law as it exists. This proposed act—

Mr. DUBOIS. It is all public land to which the bill applies?

Mr. GAMBLE. It is all public land.

Mr. DUBOIS. It does not apply to any lands which under any laws have been segregated from the public domain?

Mr. GAMBLE. It is a general law, section 2455 of the Revised Statutes, to which I refer. Now, where reservations have been opened under special acts of Congress the Department of the Interior has held that the general law does not apply to those reservations. The object is simply to make the general law applicable to these reservations. That is the purport of the bill. It was drawn practically by the Department. The question came up in my own State by correspondence from there, as affecting the great Sioux Reservation. I looked into it. There are some small tracts there that had not been selected and occupied and applications were made for their purchase, but it was held by the Department that under existing law the Commissioner of the General Land Office could not offer the lands for sale.

Mr. PLATT of Connecticut. Why could he not?

Mr. GAMBLE. Because it was held and determined by the Department in the two cases referred to that the general law was not applicable where they were opened by special act of Congress. In certain cases there were no prices fixed, and this proposed law fixes the price.

Mr. DUBOIS. As I understand it, a reservation is opened and a stipulated price is fixed which shall be paid for the land. In the selection some lands are not taken up at all, and by the provisions under which they were reserved the Department holds that they can not dispose of these lands, because they come under the provisions made in opening the reservation.

Mr. GAMBLE. Yes, sir.

Mr. PLATT of Connecticut. But we have removed all those restrictions and opened the lands to homestead entry.

Mr. GAMBLE. Not all of them. This, as I said, simply carries the general law into effect upon all these locations. As a matter of fact, this only affects small tracts, because it is undesirable pieces that have not been taken. People want to buy them for grazing purposes. An application was made and the Department held that the Commissioner of the General Land Office had no authority to offer them for sale; and by the bill it is simply to be done under the jurisdiction and best judgment of the Interior Department. I think the proposed law is wise.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INSTRUCTORS IN PUBLIC MARINE SCHOOLS.

Mr. LODGE. I ask for the present consideration of the bill (S. 7044) to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States, when in his opinion the same may be done without detriment to the public service, to detail proper officers of the Revenue-Cutter Service as superintendents of or instructors in the public marine schools mentioned in the act of Congress approved June 20, 1874, entitled "An act to encourage the establishment of public marine schools."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CHIPPEWA INDIANS, ETC.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (S. 3112) conferring jurisdiction on the Court of Claims to determine all claims of the Confederated Bands of Ute Indians of Colorado.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction, legal and equitable, be, and is hereby, conferred upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians to be due them under the several treaties dating from 1837 to 1855, which sums have been covered into the Treasury of the United States at various times since the year 1848, and that said action shall be entitled "The Chippewas of Lake Superior and the Mississippi against The United States," if brought jointly, and if brought separately shall be entitled "The Chippewas of Lake Superior against The United States," or "The Chippewas of the Mississippi against The United States," and may be instituted by said Indians in said court by a petition filed and verified, under oath, by any attorney authorized to represent said Chippewas of Lake Superior and by any attorney authorized to represent said Chippewas of the Mississippi, to which action or actions the United States shall be made defendants.

To hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians to be due them under the several treaties prior to 1837, in the difference in value between coin and the currency paid to said Indians during the years from 1837 to 1864, inclusive; and said action shall be entitled "The Chippewas of Lake Superior and the Mississippi against The United States," if brought jointly, and if brought separately shall be entitled "The Chippewas of Lake Superior against The United States," or "The Chippewas of the Mississippi against The United States," and may be instituted by said Indians in said court by a petition filed and verified under oath by any attorney authorized to represent said Chippewas of Lake Superior and said Chippewas of the Mississippi, or either; to such action or actions the United States shall be made defendants.

And to hear and determine the claim of the Delaware Indians in the Cherokee Nation, arising under the following statement:

First. Whether the United States received the sum of \$286,742.15, or any part thereof, from the sale of lands of the Delaware Indians under the treaties of 1860 and 1861 in gold coin.

Second. If so, was the United States under obligation to pay the said Indians in gold coin the interest and principal of the said sum of \$286,742.15, or any part thereof?

Third. If so, did the United States pay the said Indians the principal and interest, or any part thereof, in anything but gold coin; and if so, what was the difference in value between the bonds or currency paid to said Indians and gold coin at the time the several payments were made to said Indians out of the fund aforesaid?

Fourth. If so, did said Indians make objection to payment in anything but gold coin, and did said Indians voluntarily waive their right to payment in gold coin without objecting to the receipt of bonds or currency?

Fifth. If no waiver was made by said Indians, is the United States still obligated to pay said Indians such difference in value between gold coin, principal and interest, or any part thereof, which the United States was under obligation to pay and the currency value of the money or bonds actually paid to said Indians?

And said action may be brought by said Delaware Indians (residing in the Cherokee Nation), and shall be entitled "The Delaware Indians against The United States," and shall be instituted by petition, duly verified by such member of said Delaware Indian tribe as is authorized to represent them, or by any of the counsel and attorneys employed by said Delaware Indians, or by their representative, to which action the United States shall be made defendants: *Provided*, That any sums that may be found due said Delaware Indians in the final adjudication of such suit shall, when appropriated, be paid to said Delaware tribe of Indians as said tribe in council shall direct, except so much as the court shall, upon the rendition of any judgment under the provisions of this act, allow for the payment of the proper fees, expenses, and compensation to the representatives of said Delawares and the counsel and attorneys of record, whose several interests therein shall be determined by the court.

And to hear and determine all claims and demands of the White River Utes, Southern Utes, Uncompahgre Utes, Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado, as defined in the treaty of March 2, 1868, and agreement ratified by Congress and said Indians of June 15, 1880, against the United States arising under treaties and agreements with the United States ratified by Congress, including the claims of said Indians to compensation for lands embraced within the metes and bounds of the reservations defined by such treaties and agreements which have been set apart for forest and timber reservations, or to the occupation of railroads or other public use, and all demands on the part of the United States and claims against said Indians growing out of treaty obligations and agreements ratified by Congress, except judgments of the Court of Claims for depredations committed by said Indians. In considering said case it is made the duty of the court to determine, first, the legality or illegality of the action of the Government in creating by Executive order any forest or timber reservations with the lands ceded by the act of July 15, 1860, and, second, whether or not the Government incurred any liability to said Indians by creating such forest or timber reservations, and if such liability was incurred, the extent thereof; that said action may be commenced by the Confederated Bands of Ute Indians by petition filed in said court by Josiah M. Vale, Courtland C. Clements, Kie Oldham, William C. Shelley, Adair Wilson, and William S. Peabody, the attorneys named in the contracts between said Indians and said attorneys on file in the office of the Commissioner of Indian Affairs, bearing date November 7, 1896, October 31, 1893, and July 1, 1897, who are authorized to represent said Indians in said action, the said petition to be verified under oath by either of said attorneys, to which action the United States shall be made defendants.

That the Attorney-General is hereby directed to appear and defend each of said actions provided for herein: that the petition in each case shall be filed in said court within one year from the date of the passage of this act, and the United States shall answer to each of said petitions within sixty days from the date of the filing of the same unless the time for pleading shall be enlarged by the court; that either party to each said action may appeal to the Supreme Court of the United States, and such cases, both in the Court of Claims and in the Supreme Court, shall be preferred cases and advanced on the docket of the courts above mentioned and shall be heard and determined as early as practicable. The judgment of said Court of Claims, or of the Supreme Court, if appeal is taken thereto, shall be final and conclusive as to the rights of all parties interested.

That at the time of rendering judgment in each case the Court of Claims shall, as part of its findings and as a part of such judgment, fix and enter of record proper allowances for expenses and compensation to representatives and fees to counsel and attorneys, which may be paid direct to the persons entitled thereto as soon as there is any money in the Treasury available for the payment of such judgment, the fees to attorneys and counsel not to exceed in each case 15 per cent of the amount of the judgment: *Provided*, That in cases appealed to the Supreme Court of the United States the Court of Claims may, in its discretion, increase the allowances for cost and fees therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi, and to determine the claims of the White River or Confederated Bands of Ute Indians of Colorado and the Delaware Indians."

ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived—

Mr. McCOMAS. Mr. President—

Mr. SCOTT. I should like to have the bill (S. 2205) to correct the military record of Joseph T. Vincent considered. It will take only a moment. The man is waiting to get into a Soldiers' Home.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. McCOMAS. I would be very glad to yield at any other time, but the hour of 2 o'clock has arrived.

Mr. SCOTT. It will take only a minute, I will say to the Senator from Maryland.

Mr. McCOMAS. There would be others who would desire the same indulgence. I am sorry, Mr. President, that I am not able to yield.

The PRESIDING OFFICER. The Chair has no discretion but to present to the Senate the special order, the hour of 2 o'clock having arrived.

Mr. QUAY. Mr. President—

Mr. McCOMAS. I yield for a moment to the Senator from Pennsylvania.

Mr. QUAY. Mr. President, I desire to mention my understanding of the parliamentary situation. First, the special order in no way displaces the regular order, which is the unfinished business.

The PRESIDING OFFICER. The Chair understands that on the next legislative day at 2 o'clock the bill pending as the unfinished business will be taken up for consideration, unless by unanimous consent it is otherwise ordered by the Senate.

Mr. QUAY. And further, Mr. President, I understand that no legislative business or executive business is to be transacted today in the Senate after the expiration of the special order.

The PRESIDING OFFICER. That will be done by unanimous consent.

Mr. NELSON. I did not hear the last request.

Mr. QUAY. That no business be transacted after the exercises now pending are determined.

Mr. McCOMAS. I assure the Senator that at the termination of these exercises my colleague, the senior Senator from Maryland, will ask that the resolutions be adopted and move that the Senate adjourn.

Mr. WELLINGTON. That is the understanding.

ACCEPTANCE OF STATUES OF CHARLES CARROLL AND JOHN HANSON.

Mr. McCOMAS. Mr. President, I present the following concurrent resolution.

The PRESIDING OFFICER. The concurrent resolution will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the State of Maryland for providing the bronze statues of Charles Carroll of Carrollton and John Hanson, citizens of Maryland, illustrious for their historic renown and distinguished civic services.

Resolved, That the statues be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions duly authenticated be transmitted to the governor of the State of Maryland.

Mr. McCOMAS. Mr. President, I ask unanimous consent that the gentlemen who constitute the Maryland statuary commission for the presentation of the statues of Charles Carroll of Carrollton and John Hanson be admitted to the floor, and I ask that the descendants of the distinguished men who are thus honored and the ladies and others of their party may have the privilege of occupying during these exercises the gallery reserved for the families of Senators.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the commission of the State of Maryland who have under charge the statues be admitted to the floor of the Senate, and that the ladies and gentlemen accompanying them be admitted to the reserved gallery of the Senate. Is there objection to the request of the Senator from Maryland? The Chair hears none, and the request is granted.

Mr. McCOMAS. Mr. President, the State of Maryland has placed in the National Statuary Hall the bronze statues of Charles Carroll of Carrollton and John Hanson, and the purpose of the resolutions that I have just offered is that now they be presented to Congress for acceptance. The State statuary commission, who appreciate the courtesy of the Senate on this occasion, have well

performed their office, for the works of the artist are worthy of their subjects and of a place in yonder hall.

Maryland has nearly three centuries of history wherefrom to choose two citizens illustrious in her annals and worthy of this national commemoration. My State did not accord this high honor to the founder, George Calvert, nor to Cæcilius Calvert, the second Lord Baltimore, the father of the province; nor to the gallant leaders of the Maryland Line, to Howard, Smallwood, Williams, or De Kalb, commanders of that body of soldiers which early won the confidence of Washington, which, at Brooklyn Heights, by its discipline and bravery, saved our army when surrounded, which maintained this honorable distinction for steadiness and gallantry until in the last pitched battle of the Revolution, at Eutaw Springs, that same Maryland Line drove the flower of the English infantry at the point of the bayonet; nor to her orators or jurists or lawyers who, living before Luther Martin and William Pinkney or in their day or after them, emulated their fame and glory.

From among all her renowned sons Maryland chose Charles Carroll of Carrollton and John Hanson, as most worthy of this national commemoration.

And with reason has my State presented the statues of these illustrious men to join the company of the great and good already gathered together in the old Hall of Representatives. The story of the Revolution grows in dramatic interest as the long perspective grows. As the Revolution recedes, each succeeding generation finds augmented fascination in the great story, and draws increasing patriotism from this inspiring panorama of our history and this immense event in the history of the English-speaking people.

The stupidest King England ever had was then on the throne. He never long endured a prime minister if his talent rose above that of a gentleman usher.

The American colonists were the least governed and the freest of English subjects. They were prosperous. They loved the Kingdom and the King. They loved the English name and tradition, the literature, the architecture and arts of England, its historic places, its very soil, for England was to them the old home. They were freemen and mostly freeholders, and they loved liberty. The history of English liberty was the history of a struggle for the rights of the individual citizen as respects person, property, and opinion, so that he shall have nothing to fear from the tyranny of an executive or of a Parliament; a struggle which began with Magna Charta and lasted down to the Bill of Rights and to the Declaration of Independence.

The indissoluble connection between taxation and representation was the basis of the English conception of freedom. That no man should be taxed without his own consent was the principle which was the root of the American Revolution.

The glorious wars of the elder Pitt had raised from the dust the standard of Great Britain, had restored her prestige and power, but had also enormously increased her debt. The colonists, under the guidance of the elder Pitt, had cheerfully given men and money. They had followed Braddock to defeat, and Howe and Amherst and Wolfe to victory. As compatriots of English veterans they had helped drive the French from the Great Lakes and from the valley of the Ohio, joined in the capture of Ticonderoga and Crown Point, the siege of Quebec, and the conquest of Canada.

The elder Pitt would not have appealed in vain to the colonies, who loved him, to tax themselves to help pay their share of debt for these wars. But the great minister had given place to a pliant tool of a dull King.

As the burden had been partly incurred in the defense of the colonies, George Granville resolved that the colonies should bear their share of it. They had no representation in Parliament and therefore the colonies replied that taxation and representation went hand in hand. Blunder followed blunder until loyalty to King and Parliament died out in the colonies.

The province of Maryland had little cause for a change of government. The proprietary government was mild, and reposed on popular affection. The colonists were a homogeneous people, prosperous and contented, although the bigotry of the age had imposed disabilities on Catholics in the only province whose Catholic founders had dedicated it to civil and religious liberty and to the broadest toleration.

The colonial governor, Robert Eden, was beloved and respected. The colony was rapidly growing. Maryland was the fourth colony in population and importance when she joined in the Revolution from love of liberty, and from honorable sympathy with the general welfare of her sister colonies. On this broad and generous ground she gave her adhesion to the Revolution, and authorized her delegates in the Continental Congress to concur in the Declaration of Independence.

It is because of their part in the great drama of the Revolution, their unflinching devotion to the cause of liberty, their great power and influence at critical periods of the struggle with Great Britain,

their characters and lives, that Maryland has selected John Hanson and Charles Carroll of Carrollton to dwell in enduring bronze in yonder American pantheon.

Most of the thirteen original States have contributed statues to our National Gallery. It is unfortunate that so few of the illustrious men of the Revolution have been sent to join the solemn circle there. It is to be regretted that hitherto only three of the signers of the great Declaration face each other there.

American public life in that time of trial and danger was adorned by many striking figures. Washington, Franklin, Hamilton, Jefferson, and Marshall of that generation belong to the history of the world. Many of their associates will forever live in American history. They stand in the forefront of the nation's life. Therefore I rejoice that Maryland now brings to the old Hall of Representatives for the acceptance of Congress two men of the Revolution, one of them the President of a Congress of the Revolution, the other the last surviving signer of the Declaration of Independence, that great act with which our nation's history begins.

JOHN HANSON.

John Hanson was born in 1715 in Charles County, Md., and lived there until, in 1773, he removed to Frederick County, then rapidly growing. He had nine times represented Charles County in the provincial assembly. In trying times John Hanson was by nature a leader. The "Boston port bill" roused the peaceful province to make common cause with Massachusetts. We find Hanson a delegate from Frederick to a congress at Annapolis, and as chairman of the committee of observation of his county sending money to John Adams for the poor of Boston, later helping to raise two companies of riflemen in Frederick. Walking all the way in twenty-two days, Capt. Michael Cresap and Capt. Thomas Price marched their Frederick riflemen into Cambridge. The Frederick companies were the first Southern troops to join Washington.

At Annapolis in 1775 Hanson fearlessly joined in the overthrow of the proprietary government and in placing supreme control in the provincial convention. The cautious convention, hoping for reunion with Britain, had precluded our delegates in Congress from declaring for independence of the colonies. Hanson and the Frederick County patriots now assembled and resolved "That what may be recommended by a majority of the Congress equally delegated by the people of the United Colonies we will at the hazard of our lives and fortunes support and maintain, and that every resolution of the convention tending to separate this province from a majority of the colonies without the consent of the people is destructive to our internal safety." Samuel Chase and Charles Carroll had just returned from their mission to Canada, and had taken their seats in the new convention. Carroll was mainly instrumental in causing the convention to recall its former instructions and empowering the Maryland delegates in Congress to concur "in declaring the United Colonies free and independent States."

John Hanson, with unflagging spirit, in the legislature and in the Continental Congress supported the great struggle for independence.

During his three successive terms in the Continental Congress, John Hanson was engaged in battling for another great cause, whose successful issue changed the whole course of our national life. It is recorded in the journals of Congress that "on March 1, 1781, John Hanson and Daniel Carroll did sign and ratify the Articles of Confederation of the United States."

This action was the crowning historic service in Hanson's career.

The far-reaching consequences of the struggle which ended when Hanson signed the Articles of Confederation are now better understood. We all recall that in November, 1777, Congress submitted the Articles of Confederation to the State legislatures for ratification. Within fifteen months they were ratified by all the States except Maryland. Our State refused ratification until those States claiming the northwestern back lands, and especially Virginia, should surrender their claims of western territory to the Confederation. This action of Maryland led directly to the formation of the Federal Union. In October, 1777, when the Articles of Confederation were about to be presented by Congress to the States for ratification, Maryland alone voted that Congress shall have the sole right and power to determine the western boundary of such States as claim to the Mississippi and lay out the land beyond this boundary into separate and independent States from time to time as the number and circumstances of the people may require. This would compel Virginia, New York, Connecticut, and Massachusetts to surrender their claims to the vast interior and thus create a domain to be owned by the Confederacy until new States grew up and should be admitted into it. Maryland alone voted for this bold centralization. The States protested against the attitude of Maryland. Here and there leading men were heard to threaten to divide the little State on the Chesapeake among her neighbors and then declare the Confederation complete.

All other States had ratified the articles when, in May, 1779, Maryland again communicated to the Congress her unalterable resolve not to concur until she received definite assurances that the Northwest Territory should become the common property of the United States, "subject to be parceled out by Congress into free, convenient, and independent governments." New York first yielded. Daniel Carroll and John Hanson, from Maryland, persistently pressed this demand of their State, and in September, 1780, Congress, yielding, recommended all States claiming Western lands to cede them to the Confederation. A month later Congress advanced further, and adopted the Maryland plan, declaring that from the ceded lands in due season sovereign States, like the thirteen, should be admitted into the Union.

Virginia and Connecticut yielded their claims and long after Massachusetts abandoned her shadowy claims to the Western lands. The area of Michigan, Wisconsin, Illinois, Indiana, and Ohio thus became the common property of the Confederation. And so Hanson and Daniel Carroll, after this triumph had been secured, largely by their efforts, signed the Articles of Confederation. It was Maryland that during the period of Hanson's service led the way to acquire a national domain, and thus laid broad and deep the foundation of our Federal Union. For his share in this pregnant service, John Hanson's name will be associated forever with laying the corner stone of our great nation. Out of this first ordinance grew the Ordinance of 1784, and later the great Ordinance of 1787, and later the Constitution and the United States of America. For this act alone, John Hanson is worthy of his place in the goodly company gathered in the old Hall of Representatives. The Confederation of the States was now complete, and on November 5, 1781, John Hanson was elected the first President of the Congress of the Confederation.

This elevation to the Presidency was a signal compliment and a great honor to Maryland. It has a much larger meaning as we look back now over the stately procession of the great Commonwealths successively entering the Union. The persistent refusal of Maryland to consent to the Confederation until she won from her reluctant associated States consent that the Western territory should be dedicated to the Union, made smooth the pathway for Vermont, Kentucky, and Maine to enter the Union as independent States, carved out of the magnificent domain Maryland directly secured to the Union, the great Commonwealths of Ohio, Illinois, Indiana, Michigan, and Wisconsin, and determined for all coming time that the after acquired territory of the United States should in due time by Congress be fashioned and admitted as States, augmenting the power of the Republic and the grandeur of the American Union.

By this election to the Presidency of Congress John Hanson became in a political sense the foremost person in the United States and represented its dignity. His title was "President of the United States in Congress assembled." After the decisive victory at Yorktown President Hanson had the felicity to welcome General Washington and present him to Congress, then sitting in Philadelphia.

On November 4, 1783, President Hanson's term expired. The war was ended, the last British soldier was soon to sail away from New York. Peace was in sight. At 68 years of age Hanson was worn out in the public service. His health was broken. He refused to accept further public service. He died November 23, 1783, in the State he loved, and his State, one hundred and twenty years after his death, bestows upon his name the highest honor whereby an American State can commemorate an illustrious citizen.

CHARLES CARROLL OF CARROLLTON.

Charles Carroll of Carrollton was born at Annapolis, September 19, 1737. His grandfather, Charles Carroll, the attorney-general of the province, came over to Maryland in 1688. His father, Charles Carroll, was one of the richest men of his day and country. It was the custom of wealthy colonists to send their sons over the sea for education and travel. So young Carroll, sent as a boy of 11 years to the Jesuit College at St. Omers, and later to colleges at Rheims and Paris, was a student at the Temple in London at 20. Eight years of London life to an accomplished young colonist, who at the "Crown and Anchor" more than once met Dr. Johnson and Sir Joshua Reynolds, now and then dined with Burke, heard Charles Fox expatiate upon liberty, or time and again listened to the eloquence and saw Parliament bow before the greatness of the elder Pitt inspired young Carroll with the ideals of the noblest Englishmen. He came home to Annapolis at 28 years of age. The news of the stamp act of 1765 soon stirred with unwonted anger against their King the pleasure-loving colonists of the little capital and of the province.

Young Carroll had been strongly moved by the words of Pitt, the first English orator whose words were a power over Parliament, over the nation, and over the colonies. Though passionate, Pitt's eloquence was the eloquence of a statesman. Perchance the law student at the Temple had sat in the gallery and heard

Pitt's trumpet tongue declare "Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the Commons alone. In legislation the three estates of the realm are alike concerned; but the concurrence of the peers and Crown is only necessary to clothe it with the form of law. The gift and grant is of the Commons alone."

When the wave of good feeling after the repeal of the stamp act had been rudely checked by Charles Townshend's 3 pence tax on tea, young Carroll must have rejoiced that Pitt had said: "In my opinion this Kingdom has no right to lay a tax on the colonies. America is almost in open rebellion. I rejoice that America has resisted."

Already one of the wealthiest of the colonists, Carroll's religion debarred him from holding office. The Sons of Liberty were organized. Carroll joined them. He wore homespun. He counseled resistance to tyranny, and in a discussion with Daniel Dulaney, the ablest lawyer in the colony, Carroll, in a series of letters signed "First Citizen," won a signal victory over his brilliant adversary and a high place in public confidence, ranking as a popular leader alongside Chase, Paca, and Stone.

Annapolis, at the mouth of beautiful Severn, under sunny skies in a mild climate, had grown to be one of the centers of social life and refinement on the continent. Ships from all lands came to its harbor and brought to the young city the chief trade of the province. Theaters, race courses, balls, and social assemblies spread the fame of the enjoyable life at the Maryland capital. The wealthy planters wintered there in capacious mansions. The officials of the province, with the popular Governor Eden at their head, extended their hospitality to make life joyous.

The provincial assembly, the assize, and higher courts added features to the life. From other colonies visitors came and lingered, and among them now and then was Col. George Washington. Daniel Dulaney, unrivaled lawyer and scholar, lived here. William Pinkney, the foremost orator and lawyer of his time and country, was here growing to manhood. Charles Wilson Peale, born here, had returned from England to this wealthy capital of a fruitful land to paint the portraits of Maryland's gentry and the worthies of the Revolution. The wide circles, the narrow streets, with enduring brick mansions of the time of the Georges, still leave Annapolis the most quaint and interesting capital in our country, as it is among the most beautiful. May these historic landmarks survive the perils of its present rapid growth.

On October 19, 1774, when the people of the neighboring counties thronged in Annapolis and denounced "the Boston port bill," the brig *Peggy Stewart*, from London, came into port with 2,000 pounds of tea. In June the provincial assembly had forbidden all importations of "that detestable weed, tea." The irritated populace threatened violence to Anthony Stewart, the owner; Williams, the consignee, and the ship itself. Stewart and Williams confessed to the people's committee "that they had been guilty of a daring insult, an act of the most pernicious tendency, to the leaders of America," and offered to burn the tea. When they sought aid from Charles Carroll of Carrollton he promptly advised that Stewart must set fire to both ship and tea. So Stewart reluctantly went on board and set fire to his ship, and with her sails set and colors flying, in the presence of the patriotic multitude, the *Peggy Stewart* burned to the water's edge. In Maryland the 19th of October is a holiday to commemorate the day when pacific Maryland placed herself in line with stubborn Boston and Massachusetts Bay. In December news of the burning of the *Peggy Stewart* reached London, to the great alarm of the merchants of Threadneedle street, and the House of Commons began to take America more seriously.

In January, 1775, Carroll became a member of the first committee of observation at Annapolis, and was elected a delegate to represent Anne Arundel County in the provincial convention, which soon named him upon the committee of safety.

The provincial convention to Carroll's disgust disavowed any design of colonial independence. Unhappily for the province, Carroll's character, influence, and patriotic labors had attracted attention in Congress. Early in 1776 Congress appointed Benjamin Franklin, Samuel Chase, and Charles Carroll as commissioners to Canada to secure her cooperation with the United Provinces against Great Britain. This plan, once hopeful, had become hopeless by the defeat and death of Montgomery, by the levying of contributions to feed our starving army, by the manifest incapacity of our commanders and the inferiority of our forces. The Canadians were friendly, then suspicious, then irritated, then hostile. The population, nearly all Catholic, were turned against us by their priests. Charles Carroll and Rev. John Carroll in vain tried to secure the aid of their co-religionists. Carroll's journal, in his excellent English, vividly tells this story of their inevitable failure. Canada was destined to remain a British dominion until a day in the distant future.

In Carroll's absence, on May 8, 1776, the Maryland convention

had again instructed the Maryland delegates in Congress not to agree to a final separation from Great Britain. Soon afterwards Hanson and the patriots of Frederick had sounded a trumpet call for complete independence.

Carroll now hastened to Annapolis and resumed his seat to urge the repeal of these instructions. No time was to be lost. This was a crisis in the Revolution. On June 28, 1776, the new instructions advocated by Carroll were given. On July 2, 1776, our Maryland delegates found themselves authorized to vote for independence.

The zeal and ability of Carroll in winning his State to take this action, he had so early and so steadily urged, led to his immediate appointment as a Delegate from Maryland to the Continental Congress. On July 4, 1776, Charles Carroll of Carrollton was appointed, along with Matthew Tilghman, Thomas Johnson, William Paca, Samuel Chase, and Thomas Stone, delegates to that famous Congress. Carroll hastened to Philadelphia in time to vote on July 19 to engross this great paper. On August 2 Chase, Paca, Stone, and Carroll affixed their signatures to the Declaration of Independence. Charles Carroll of Carrollton with alacrity risked his life and his great fortune by signing this charter of the new Republic, "this document unparalleled in the annals of mankind." The board of war was Adams, Sherman, Harrison, Wilson, and Rutledge, and to those Carroll was soon added. Chairman John Adams tells us that on July 18 Carroll was so chosen, and that he was "an excellent member, whose education, manners, and application to business and to study did honor to his fortune, the first in America."

In August Carroll returned to a seat in the Maryland convention, which adopted the bill of rights and constitution which created Maryland a sovereign State.

It was Carroll who suggested the mode of choosing the State senate of Maryland, which suggested, as Madison tells us, to the framers of the Federal Constitution the mode of choosing the Senators of this Senate, the method by which we now hold our seats here.

After the fashion of that day, Carroll went to and from the State assembly and the Continental Congress. He belonged to both.

To his lasting honor Carroll unwaveringly supported on the board of war and in Congress the great commander, and helped defeat the Conway cabal, designed to put Gates in Washington's place. We find Carroll in 1778 with the Maryland delegates urging the cession of the public lands to the Confederation, and steadily struggling to secure this sure foundation for the coming Federal Union, until he resigned from Congress at the close of 1778.

The French treaty gave Carroll confidence in our ultimate success in the war, and he believed his services in the State senate of Maryland would be his most effective way to help the army in the field. There he advocated generous support of Washington, and voted troops and financial aid to the war. He steadily opposed confiscation of the property of British subjects, and also all the wild currency schemes to which our countrymen were then prone to turn for relief. He firmly urged the Maryland policy of dedication of the Western territory to the Confederation.

He was in the Maryland senate leading the fight to secure Maryland's ratification of the Constitution of 1789. Long before his fellows, Carroll had advocated independence, and in advance of his associates he advocated a Federal Union. He had declined election to the Congress of the Confederation because he foresaw its powerlessness.

Washington and Gates, commissioners from Virginia, met Carroll Stone and Samuel Hughes, commissioners from Maryland, to arrange to open and extend the navigation of the Potomac. They met December 22, 1784, at Annapolis, and later at Mount Vernon. The Maryland report asked that Pennsylvania and Delaware should be included, because the scheme of navigation included a canal between Delaware River and the Chesapeake. The outcome was the Annapolis convention of 1786, which led to the Federal Convention which framed our Constitution.

Thus the signer of the Declaration had a part in the beginning of the Constitution.

Under the new Constitution Carroll was elected to the First Congress as a Senator from Maryland. His colleague was John Henry. In April, 1789, he appeared in the Senate. Congress had assembled in the old city hall of New York. Carroll, the friend of Washington, Hamilton, and Franklin, was a determined Federalist. He drew a two years' term in the Senate. He reported the now famous judiciary act. He declared for a standing army. He successfully labored to establish this Federal District, in whose Capitol his statue will hereafter stand. He reported the assumption bill which buttressed the Federal Union. He was reelected to the Senate in 1791, but resigned that he might remain in the Maryland senate, a State statute now forbidding service in both bodies at the same time. In 1801 the party of Jefferson tri-

umphed, and thereby, at 63 years of age, ended the public career of Charles Carroll, the Federalist. During thirty years of public life he had left his impress upon the times.

At his beautiful home, Doughoregan Manor, or at his town house in Baltimore, he spent the remaining thirty-three years of his long life, devoted to his large estate, to his home and kindred, to the Bible, to the classics, and to polite learning, always mindful of his religion and his country. On July 4, 1822, Carroll helped lay the corner stone of the Baltimore and Ohio Railroad, which he helped promote. He who, with Washington, forty years before sought by the Potomac navigation scheme to unite the Ohio with the sea, still a farseeing Federalist statesman at 85 years of age foresaw that the American Union could not have endured until our day without the railroads. For political and social purposes railroads and steamships, telegraphs and telephones, have made our vast country as compact and intimate as was New England a century ago.

At 90 years of age Carroll was erect and vigorous, with the vivacity and grace of youth. In person he was small and slight. His face was strong, his eye piercing, his manners easy and winning. About this time he heard the impressive tidings of the death of Adams and Jefferson on the 4th of July, 1826. To him came the address of Daniel Webster upon Adams and Jefferson and that stately apostrophe to the last of the signers:

"Of the illustrious signers of the Declaration of Independence there now remains only one, Charles Carroll. He seems an aged oak, standing alone on the plain, which time has spared a little longer after all of its contemporaries have been leveled with the dust. Venerable object! we delight to gather around its trunk while yet it stands, and to dwell beneath its shadow. Sole survivor of an assembly of as great men as the world has witnessed, in a transaction one of the most important that history records, what thoughts, what interesting reflections, must fill his elevated and devout soul! If he dwell on the past, how touching its recollections; if he survey the present, how happy, how joyous, how full of the fruition of that hope which his ardent patriotism indulged; if he glance at the future, how does the prospect of his country's advancement almost bewilder his weakened conception! Fortunate distinguished patriot! Interesting relic of the past! Let him know that while we honor the dead we do not forget the living; and that there is not a heart here which does not fervently pray that Heaven may keep him yet back from the society of his companions."

That solemn prayer was granted. Charles Carroll of Carrollton lived until his ninety-sixth year, and on November 14, 1832, died with the calmness of a philosopher and with the faith of a holy man of God.

The work of Carroll and Hanson and their compatriots of the Revolution gave to the world the first true Federal state; and they built it to endure the storms and stress of civil war. They so cemented it that all fears of its disruption have disappeared forever. It is the great Republic of all history. In it the law is supreme. No man is so high as to be above the law. In the very fiber of the people is inbred a regard for law, which is the security of our rights and the basis of our prosperous and happy civil government. Yet under it the people shape their own destiny and unhindered walk in their own paths.

Looking back over the one hundred and twenty-seven years of our existence as a nation, one truth is luminous. The world would not if it could erase the great Republic from the map of the globe.

The future of civilization rests with the Anglo-Saxon race. Not the British Empire, but the American Republic will lead that race onward to that future. Traditional, moral, political, and intellectual ties unite in a sense all who speak the English language, to-day the leading language of the world. Mr. Bryce justly boasts that "England has sent her language, her commerce, her laws, and institutions forth from herself over an even wider and more populous area than that whose races were molded into new forms by the laws and institutions of Rome."

The marvelous achievements of the English-speaking people, reaching forth from their little island world, are sure to be surpassed by several hundred millions of English-speaking people of fifty powerful States in an invincible Republic whose home is the vast center of a continent washed by both oceans.

Lord Rosebery, the foremost statesman and orator of the British Empire in our day, has outlined in historic vision what would have been the future of the English-speaking people had George III listened to reason and had the thirteen colonies sent representatives to the Imperial Parliament. He predicted that at last when the Americans became the majority, the seat of empire would have been moved across the Atlantic, and Britain would have become the historic shrine and European outpost of the world empire, with the English-speaking Federal Parliament sitting in Columbia territory somewhere in the Mississippi Basin.

Simpler and grander far is the historic reality. The great

Republic has been worthy of its heritage. It has lifted up humanity and liberty. It has advanced civilization. It leads the commerce of the world. It is the richest nation on the globe. It is now the world's center of finance. It is invincible in war, if war approach its shores. It is fast reaching out to control the seas. Its people are happy, free, homogeneous—the most intelligent, and soon to be the most numerous. It is the greatest self-governing nation and the greatest world power. Its foreign policy is a synonym for justice. Its creed is peace.

The future of the English-speaking peoples depends upon our Republic, and that future, in the vigorous embrace of the younger world, is boundless.

Mr. HOAR. Mr. President, every man who has visited a great gallery will remember some picture that caught his attention and dwells in his memory because of some single stroke or feature. It will seem of little importance when he comes to tell of it. But that is what caught his eye and led him to pause before it when a hundred more celebrated works of more famous painters were neglected or forgotten. It abides with him for the rest of his life. If it be a landscape, it may be some single rock or tree. If it be a Dutch interior, it may be only a ray of light through a window. If it be a portrait, it is but a glance of the eye, or a curl of the lip, or the pose of the head. But it penetrates the soul, and it abides.

Most of our great popular reputations are made in that way. There are a few men like Washington, or like Marshall, or like Webster, or like Lincoln, whose service is so great that their countrymen know every detail of it by heart. But, in general, our great men are remembered not because of sober and faithful labor, not because of long service in legislation, or in the Executive chair, or even in war. Something has found its way to the people's heart and keeps the name fresh.

Old John Adams, though he was President of the United States, is remembered by nine men out of ten for the immortal argument for the Declaration of Independence, ascribed to him by Webster; for the fact that he was our first representative to Great Britain, and for his sublime death at the height of human fame, with the undying words "Independence forever" on his dying lips. As was said of Lord Nelson, by his biographer, "If the chariot and the horses of fire had been vouchsafed for his translation he could scarcely have departed in a brighter blaze of glory."

John Hancock was a great power in the time of the Revolution, and before. But his countrymen in general only know that he signed his name to the Declaration in letters visible across the broad Atlantic, and that he told the patriots to burn Boston, though it contained his whole fortune, if it were needful for the cause of liberty; that he was President of the Continental Congress, and that he was excepted, with Sam Adams, in the royal proclamation of amnesty, as a rebel whose offenses were too flagitious for pardon.

Ask even the men of his own State of Massachusetts, and of his own town of Boston, what they know of Sam Adams. They will tell you that they know that he was a man who was excepted with Hancock from the royal pardon; that he was the man who demanded of Hutchinson the removal of the regiments from Boston, and that when Hutchinson told him he would remove one, answered, "If you have power to remove one you have power to remove both," and that when he told the story afterwards he said, "It was then that I observed his knees tremble, and I enjoyed the sight."

There is an admirable memoir of Charles Carroll, which shows a life extending over almost a century. A large part of it is crowded with honorable public service of the first quality. It shows him fully entitled to rank not only as a foremost statesman of a foremost State, but among the great men of his time, from whatever State they may have come. There has been no time since the Revolution ended when the name of Charles Carroll of Carrollton was not a familiar household word in every home through the length and breadth of the country.

Yet if you had asked, not merely common men, but well-informed men, students of history or graduates of the college or university, men themselves taking an important part in public affairs, they could tell you only that Charles Carroll was a Catholic; that he lived to survive all his companions who signed the Declaration, and that when he signed his name he took care that there should be no doubt of his identity, if the Revolutionary war were a failure and it were in the power of the Royal Government to inflict the death penalty for treason.

Charles Carroll died at 95, in the year 1832. He survived Jefferson and John Adams over six years. Jefferson and John Adams and Carroll had been the only survivors of the signers of the Declaration for eleven years before. It seemed that as each of that immortal company died the affection his countrymen had felt for him was transferred to the survivors.

I suppose, in spite of the bitter political antagonism of that day, in which Jefferson and Adams not only shared, but in which they were the great leaders of the opposite sides, that there were

never figures in the history of any people dearer to the popular heart than Thomas Jefferson, as he comes down in history with the Declaration of Independence in one hand and the title deed of Louisiana in the other, and brave and honest old John Adams, who had argued, with a power given to no other man, the side of the country in the great debate of liberty. When Adams and Jefferson died it seemed that the whole of this sentiment gathered and centered upon Carroll.

I can remember when he died, though then but a child of 6 years. The schoolboy used to be asked the question in the school to name the only man living of that illustrious band. And I well remember when the solemn tidings went through the country that Charles Carroll was gone.

Before he died men used to make pilgrimages to his dwelling as to a shrine. My honored and accomplished friend Mr. Winthrop has left on record a graphic account of such a visit.

I can not but remember that it was my privilege to see and know that venerable person in my early manhood. Entering his drawing-room nearly five and forty years ago, I found him reposing on a sofa and covered with a shawl, and was not even aware of his presence, so shrunk and shriveled by the lapse of years was his originally feeble frame. Quot libras in duces summo! But the little heap on the sofa was soon seen stirring, and, rousing himself from his midday nap, he rose and greeted me with a courtesy and grace which I shall never forget.

In the ninety-fifth year of his age, as he was, and within a few months of his death, it is not surprising that there should be little for me to recall of that interview save his eager inquiries about James Madison, whom I had just visited at Montpelier, and his affectionate allusions to John Adams, who had gone before him; and save, too, the exceeding satisfaction for myself of having seen and pressed the hand of the last surviving signer of the Declaration.

Webster described him as "an aged oak standing alone on the plain, which time has spared a little longer after all its contemporaries have been leveled with the dust." He says that his countrymen delight to gather around its trunk while it yet stands, and to dwell beneath its shadow.

I will not undertake to do what my honorable friend from Maryland has done so much better—draw the lesson of patriotism which is taught us by the life of Charles Carroll. I have no fear that the great Declaration will ever lose its primacy among the political State papers which have been produced since the beginning of time. To find its superior or its equal we must search the inspired pages of our venerable Scriptures. There have been times, and there will be again, when the great truths on which our fathers planted the Republic, as upon a corner stone, will be denied or scorned or scoffed at by men or parties who, in some fancied stress or political necessity, will endeavor to escape their obligations.

That is true, unhappily, of the Ten Commandments and of the Sermon on the Mount. It is true of every moral and legal obligation, whether of divine or human sanction. The generation and the party and the individual who have disobeyed these high commands perish and are forgotten, while the eternal law of rectitude abides forever. The commanding authority of our great Declaration and the pure fame of the men who framed it and who signed it and who pledged to it their life, fortune, and sacred honor will remain so long as the Republic shall endure. Among them there is no purer and there are few more conspicuous reputations than that of Charles Carroll.

But I should like to speak for a moment of one lesson which has been often forgotten, which the life of Charles Carroll teaches, alone among his illustrious companions.

Charles Carroll was a devoted Catholic. He belonged to that church which preserved for mankind religion, learning, literature, and law through the gloomy centuries known as the Dark Ages. Yet it is the only denomination of Christians against which anything of theological bitterness or bigotry seems to have survived amid the liberality of our enlightened day.

Every few years we hear of secret societies, and even political parties, organized with the sole view of excluding the members of a single Christian church from their equal privileges as American citizens. Yet certainly the men of the Catholic faith have never been behind their countrymen, either as patriot citizens or as patriot soldiers. This spirit of bigotry would have denied the ordinary rights of Americans not only to Charles Carroll and his illustrious cousins, the Archbishop, to Daniel Carroll and Thomas Fitzsimmons, who were among the framers of the Constitution, but to Montgomery and Phil. Sheridan.

The Pilgrim and the Puritan of Massachusetts encountered exile and the horrors of the winter voyage and the wilderness and the wild beast and the savage for civil and religious freedom. But even they saw "as through a glass, darkly." They fell short of that conception of freedom which prevails now. Their treatment of the Quakers and the Baptists will not bear the light to-day. Roger Williams, in his turn, made another forward step and founded his State on the principle of complete tolerance of all Christians. But he, in his turn, excluded all men whom he did not deem to be Christians from a share in the government of his Commonwealth.

The Catholic in Maryland was inspired by a like desire to establish principles of perfect religious tolerance. Even in Maryland, if Mr. Bancroft be right, as late as 1770, it was an offense punishable with death to deny the divinity of Christ. This was after the Catholic had been driven from power. Three of the five members of the committee who reported the Declaration of Independence—Mr. Jefferson, Dr. Franklin, and John Adams—were avowed Unitarians. So, if the law of Maryland had been strictly enforced, these men would have suffered death there if they had declared their faith.

Now, Mr. President, I do not speak of these things by way of reproach. The founders of these three States, foremost among mankind, set their faces toward the sunlight. They are not to be reproached because at the time they took the first step they did not take the last. I mention them only to draw the lesson that it is not fair for the American people to remember against the Catholics only the cruelty, or wrong, or blindness of past ages and to forget the cruelty or wrong in which our own ancestors had a share. The American Catholic, in the early days, laid the State which he founded on the eternal principle of religious toleration. The American Catholic did his full and noble share in winning the liberty and in framing the Constitution of the country which he loves as we do, and which we love as he does.

Let the statue of Charles Carroll, the great statesman of the Revolutionary day, the survivor of the most illustrious company of men that ever assembled on the face of the earth since the Apostles, stand in yonder stately chamber, with the statue of Père Marquette, the Discoverer, and with those of their peers of every State and of every faith, until time shall be no more!

The cord of our destiny is made up of many strands. That cord we hope and believe shall never be severed. The great doctrines of the Declaration may be clouded and hidden, only, as we hope, to shine again with a new and brighter lustre when the clouds have passed by. The Constitution may be amended or altered or disregarded or may perish. Other forms of rule may take the place of the simple but sublime mechanism our fathers devised. But the nation shall abide. The one principle which holds this nation together, expressed in the brief but comprehensive motto, *E Pluribus Unum*, shall never fail or fade—*E Pluribus Unum*, of many, one—of many States, one nation; of many races, one people; of many creeds, one faith; of many bended knees, one family of God. [Applause in the galleries.]

Mr. DOLLIVER. Mr. President, the reconstruction of the Capitol by the addition of the superb edifices in which the Congress now sits left the old Hall of the House of Representatives deserted and silent; the scenes which had been enacted there only a memory; the voices which had been heard there only an echo of the past. There was at least a proper sentiment in the act of 1864, which for all time to come has made that historic chamber sacred by filling it with monuments which recall the great traditions of the national life.

Mr. Emerson has described the art of the sculptor as the crudest and most helpless expression of the higher faculties of the human mind. It has been even more difficult to select the men to be commemorated than to find artists equal to the task of restoring the image of their person in bronze or marble.

In selecting figures to stand in this national gallery, the older States have an advantage over the new, and most of them have wisely chosen to perpetuate the fame of leaders conspicuous in their colonial life. The State of Maryland, among the most ancient of the American Commonwealths, has picked out two names famous and honored in her annals both before and after the Revolution, and brings them here to take their place among their equals in this hall of fame.

In the case of one of them, John Hanson, she has done a tardy act of justice to a man whose eminence in the public service had been almost lost in the waste of time; a man who in a peculiarly appropriate sense was the representative of the national ideal throughout the Revolutionary struggle. The other, Charles Carroll of Carrollton, had already a definite and secure place among the immortals; not altogether because he was a signer of the Declaration of Independence, for many of them have been literally forgotten, but because when he signed it he added his residence for the purpose, so the fascinating story ran, of enabling the British to find him when they got ready to execute him for treason, along with his wicked associates, according to law; and for the reason that he survived all his contemporaries.

Both were men of commanding talents and irreproachable virtues, and each was in a true sense a distinct embodiment of the spirit of his age. The erection of their statues in the National Capitol is particularly appropriate in these days when the foundations of the national faith are under examination in the light of passing events, and when the American people need more than ever to learn the lessons taught by our fathers.

It is always helpful and refreshing to consider the influences which worked together in the formation of the Government un-

der which we live, and it can not be doubted that the people of Maryland acted with wisdom as well as patriotism when their legislature chose from the long list of her orators, her statesmen, her soldiers, her jurists, these two names which appear side by side among the signers of the protest issued by the "Association of the Freeman" of the State, a year before the Declaration of Independence was framed at Philadelphia, and which are associated in honorable prominence throughout the whole Revolutionary period.

In all future times as the restless throngs, passing through the corridors of the Capitol, pause for a moment before these stately figures the story of our heroic age will be told over and over again, as one generation after another is touched by the inspiration of these epoch-making lives. The State of Maryland in thus honoring the men who spoke and acted for her in the great crisis out of which the National Government arose, when with her scant population and her meager resources she devoted her blood and her treasure, without limit and without terms, to the cause of independence, has encouraged the revival of popular interest in those studies which contribute to a rational interpretation of our history as a people: for it can not be denied that the tendency is strong in the midst of prosperous material surroundings to treat with indifference and neglect the day of small things when the American Republic was taking its first feeble steps toward the arena of the world's great affairs.

The very distance of those memorable years, not to speak of the intervention of tremendous national experiences more recent, has cut off, in a measure at least, the popular view of colonial times, leaving them dim and intangible; making Washington, for example, look more like a marble image than a man, and, with the exception of old Israel Putnam and Col. Ethan Allen, preserving hardly a human likeness of any of the great heroes who surrounded him.

Now, the history of the world, and especially of our part of it, is the most important study that can attract anybody's attention, notwithstanding so much of it is entirely incredible and so much of it obviously false. So far as it has been written down at all, it has been written, so it looks to me, more for the purpose of giving artificial importance to a few generals and a few kings than for the purpose of bringing into view the obscure millions who, after all, make up States and Commonwealths.

I have sometimes wished that some historian, some divinely gifted man or woman, might do for our own country what great creative intellects have done for other lands—what Lord Macaulay, for example, has done for England, or Thomas Carlyle for Scotland—might take us back to the sources of our strength; might show us the people themselves, their speech, their houses, their habit as they lived; might show us the unmistakable beginnings of the nation. For there, we are persuaded, around tables spread with the frugal comforts of life and about family altars made sublime by simple faith in God and man, was begun the mighty work whose outcome is the permanent self-government of this vast continent.

I stood the other day in the museum of the library of the State Department and read over again the rude manuscript, in the handwriting of Mr. Jefferson, of the original draft of the Declaration of Independence, with its curious erasures and interlineations. In the same case, right by the side of it, also in the handwriting of Jefferson, is a clumsy drawing of the monument which he desired to have erected to his memory, together with the inscription which he would have written upon it. He wished to be remembered as the author of the Declaration of Independence, of the statute of Virginia for religious freedom, and as the father of the University of Virginia. But most of all he desired posterity to know him as the author of the Declaration of Independence—a title surely to an immortality such as belongs to only a few of the great names of history.

It would be an idle thing for anybody to try to take away from Jefferson the renown of that handwriting. It certainly would be a grievous offense against the truth to try to take it away from Jefferson, as a famous orator of our times, now dead and gone, has sought to do, and give it to Thomas Paine or to any other man. Yet there is a grim significance in the fact that time in dealing with the engrossed copy of the Declaration of Independence has carefully preserved every letter in every line of the instrument itself, and at the same time with a gentle hand has rubbed out the name of every one of the illustrious group of statesmen whose signatures authenticated the instrument in the archives of the Continental Congress. Even the name of John Hancock, which scrawled across the page so that the King's ministers might not fail to see it, has faded to an indistinct impression upon the parchment, while not even a slender outline is visible of the hardly less noted name of that delegate from the province of Maryland who was supposed, until the higher critics got hold of his biography, to have added to his signature his post-office address, so that the King's hangmen should not get hold of the wrong member of the Carroll family.

It may be an idle fancy, but I have sometimes thought that this strange disappearance of these historic names illustrates in a mysterious sort of way the real origin of the Declaration, not in the signatures of a few men, but in the minds and hearts and united purposes of the people of all the colonies. It ought to be remembered that the war for independence was well under way before the Congress which framed the Declaration of Independence had fairly entered upon its work. Many of the colonies, like Maryland, under the leadership of her Hansons and her Carrolls, had long before declared their independence. Concord, and Lexington, and Bunker Hill had all been fought; Charlestown and Norfolk had been burned to ashes by the British troops; the startled garrisons of the Canada frontier, whatever their opinions of the Continental Congress, had gracefully acquiesced in the will of the Great Jehovah as interpreted by the Green Mountain Boys; Washington had been appointed commander in chief of all the American forces, and Lord Howe, correctly measuring the genius of the great soldier, had already evacuated Boston. So that the Declaration of Independence was in no sense a declaration of war and hardly even a proclamation of hostilities already begun. It was an instrument which simply put down in writing what for generations had been taking shape and gathering force about quiet firesides throughout the British possessions.

The colonies were one hundred and fifty years old, and while they were English in name and never ashamed of their heritage, there was not in them any deep-seated attachment to the British Crown. Indeed, there never had been any such attachment among those classes of the English people out of which the most of the American immigration had come. The distinguished Senator from Maryland [Mr. McCOMAS] has referred to the speech of the Earl of Rosebery at the time of his inauguration as the lord rector of the University of Glasgow, when he took occasion to say that an enlightened colonial policy in the eighteenth century would have prevented the dismemberment of the British Empire. There may be possibly a sense in which this is true. It is at least certain that such a colonial policy as prevailed in England in the eighteenth century, and in Spain up to the end of the nineteenth, would have left the British throne without the loyalty of a commonwealth of Englishmen anywhere in the world. If I correctly remember Lord Rosebery's words on that occasion, he suggested that if the elder Pitt had remained in the House of Commons and had kept the counsel of the King, a way would have been found to make a settlement of the problem consistent with the integrity of the Kingdom.

Possibly that would have been so; at any rate, it is certain that our fathers could speak no such words for themselves as were spoken for them in the Parliament of England by Edmund Burke and the Earl of Chatham. I have no lack of appreciation of the enchanting dream, to which the Senator has referred, in which Lord Rosebery relates what might have happened if the King's subjects in America had held fast to their allegiance. In his vision he sees them increasing and multiplying as the United States has increased and multiplied, their representation in the House of Commons gradually outnumbering the membership at home, until at last there would have appeared a strange spectacle—the Queen, led by her ministers and followed by both Houses of Parliament, with pomp and ceremony, transferring the capital of the Empire from London to New York or Chicago, leaving the old capital only a museum of political antiquities, a mere military outpost in a world-wide British Empire.

It may be an ungracious thing to disturb an hallucination so splendid, but for all that it is a vision of the day, for it is impossible to imagine a parliamentary wisdom able to prevent a free English race from taking possession in their own name of the continent they had won from the wilderness; and it is harder still to conceive of a statesmanship equal to the task of turning aside the purpose of God in ordering the destiny of the New World. I have said that the independence of America originated not with the leaders of the people, but with the people themselves. So that it is literally true that members of the Continental Congress, who, like Charles Carroll, shared in the proceedings only long enough to sign the Declaration, weeks after it had been framed and passed, lose nothing of their claim on the gratitude of mankind from the fact that their participation in the national movement was mainly in the quiet neighborhoods where they lived and among the people with whom they conversed from day to day.

American independence was first of all declared in the churches, in the newspapers, in the courts of law—in the churches in 10,000 sermons based upon texts taken from the militant literature of the old Jews; in the newspapers wherever a free press had been set up, as it had been in Maryland from the first settlement of the province down to the time when Charles Carroll, under an assumed name, leaped into distinction as an advocate of the national cause in a series of controversial letters; in the courts of law wherever the obnoxious acts of Parliament were brought in controversy. Indeed, there is a sense in which the independence

of America may be said to have originated in the court-houses of Massachusetts and Virginia and to have been first declared by the attorneys at law in the ordinary practice of their profession. It is interesting if not instructive, in view of the manifold popular prejudices which have beset the learned occupations of the bar in after generations, to recall the beautiful harmony which once existed between the embattled farmers and the lawyers of that day with their quillets, their cases, their tenures, and their tricks.

John Hancock was an important citizen of Boston, possibly the most important, and just after the passage of the stamp act he imported into that town a cargo of Madeira wine, of which, it would appear from the record, our fathers were accustomed to take a little for their stomach's sake and their often infirmities; and owing to the universal feeling which everywhere prevailed against the stamp act, Mr. Hancock felt at liberty to unload his cargo in the night without going through the formality of paying the duties required by law. But as soon as the revenue officers found it out they brought an action against him to recover the delinquent taxes, and he hired a Boston lawyer by the name of John Adams to defend him. Now, Mr. Adams, according to the custom of the day, was keeping a diary, and his entries in the little book about this time are very entertaining. For example, "Sunday, at home with my family, thinking."

If Mr. Adams, after the manner of the modern practitioner, had charged Mr. Hancock for lying awake at nights thinking about his case, the latter patriot would not have had money enough left to reach the Philadelphia Congress, of which he had already been elected a member, for a similar entry repeatedly appears in the diary. For example: "Christmas; at home; thinking, reading, searching concerning taxation without consent." It was an epoch-making case, and John Adams went into it like Peter the Hermit preaching the first crusade. It was not a question of fact; it was a grim and momentous question of law. What Mr. Adams said is fortunately preserved. "My client, Mr. Hancock," said he, "never consented to it. He never voted for it himself and he never voted for any man to make such a law for him." There is the first half of the American Revolution in one sentence. That case never came to trial. They took a good deal of testimony, and it was continued from time to time, but never brought to a final judgment, because the next spring, along about the middle of April, it was settled out of court by the battle of Lexington.

In the meantime some curious litigation was going on in one of the Southern colonies. By the original charter of Virginia the established Church of England was made a part of the civil establishment of the colony, and the salaries of the parsons, as in the case of other public officials, were paid out of the public treasury, in tobacco, which was the standard of value of the time. In the depression of business which followed the French and Indian war there was a universal demand for the retrenchment of expenditures, which took the form, as it commonly does in such cases, of a reduction of official salaries. They cut them all down, including the salaries of the parsons, which were made payable no longer in tobacco, unless it were reckoned at 2 pence a pound.

As long as that was about the value of tobacco, everybody was satisfied, including the parsons, until tobacco rose considerably, when they began to see the difference and raised a clamor so loud that it finally reached the ears of the Bishop of London, who induced the King to veto that act of the legislative assembly of Virginia. The parsons took the position that the act having been vetoed it became void, and, being duly advised by counsel, they began actions to recover the salaries due them and withheld without authority of law. The judges, who were appointees of the Crown, very promptly and, from a superficial legal standpoint, very properly, decided that the King having vetoed the act it was void, and all proceedings taken by virtue of it without legal effect, and that therefore the parsons had the right to recover. But having no jurisdiction at common law to render a verdict sounding in damages, they took a test case and sent it to the jury to determine the amount of the recovery.

At this point there appears upon the scene a strange and now almost fabulous figure, the most marvelous popular orator who ever spoke our tongue, Patrick Henry, a young Virginia lawyer, with his first important case in court. Tradition relates that he was awkward and ungainly in his appearance, and at first halting and lame in his speech, but that as he warmed with his theme he rose to a splendid level of eloquence, and when he had finished had made for his name an immortal place in the legends of patriotism and liberty. What he said also is fortunately preserved. He denied the right of the English Crown to veto an act of the colonial assembly in a matter in which the colony alone was concerned. "When the King of England," said he, "in the interest of a privileged class, interposes the royal veto against an act of the assembly of Virginia in a matter relating exclusively to the affairs of the colony, he ceases to be a father of his people and

degenerates into a tyrant who has forfeited all rights to obedience."

There is the second half of the American Revolution in one sentence; and that Virginia jury which patiently listened to the instructions of the court, quietly filed out into its retiring room without food or drink, water alone excepted, and immediately came back with a verdict for the plaintiff, assessing his damages at 1 cent, was far gone along the main road to the independence of the United States.

It was in the midst of little occurrences like these that we must seek the original draft of the Declaration of the Fourth of July, and nowhere among the colonies was this spirit of manly resistance more universal than among the people of the province of Maryland, where the Carrolls and the Hansons had for years given the weight of their names and the influence of their fortunes to the aspirations of the community toward a larger and a truer national life.

That aspiration found its first expression in an outburst against wrongs no longer tolerable; but if the grievances of the colonies had been the only cause of the Revolution, or even its most important motive, the opportunity was never lacking to settle the dispute on the basis of a full concession of all American claims. In fact, long before the war was over every objectionable act of Parliament had been repealed and every reasonable complaint redressed, so that it may be properly said that underlying all the abuses against which our fathers protested, and deeper than all the blunders of the King's ministers in dealing with men of their own race, lay the profound and intuitive purpose of the people to create a government of their own and to take into their own keeping the principles of civil liberty, which were already a part of their inheritance.

The ideal which for more than a generation had filled all American hearts was realized in a measure when Charles Carroll of Carrollton put his name down on the solemn parchment, in a larger measure when John Hanson, five years later, took his seat as President of the United States in Congress assembled, and in full measure at length when Washington, a deputy from Virginia, assumed the chair as President of the Convention which framed the Constitution.

For unless a government had been organized out of the chaos which followed Yorktown the war for independence would have enslaved the country and not made it free. These three charters—the Declaration, the Articles of Confederation, and the Constitution—have come down to us scarred, but not disfigured by the battles of more than a hundred years. The Articles of Confederation, whatever their defects, served their purpose while the war lasted, and though they illustrate the difficulty of founding governments and waging war at the same time, they stand as sufficient witness of that constructive genius which belongs to the English-speaking race.

The Constitution of the United States remains, in the words of Mr. Gladstone, "the most wonderful work ever struck off at a given time by the brain and purpose of man," while the Declaration of Independence, interpreted as it ought to be in the light of our national history, is still the most priceless treasure in the political riches of the world. The Revolutionary Government fell, under the enlightened criticism of the men who organized it, leaving John Hanson, its first President, so completely covered up in the debris that it required an act of the legislature of Maryland more than a hundred years afterwards to rescue his name from oblivion; while the Constitution which followed it had to lean awkwardly on the Farewell Address of Washington, the unrivaled common sense of Chief Justice Marshall, and the colossal intellect of Daniel Webster, until in the fullness of time the sword of Ulysses S. Grant gave it a fixed relation to the course of human events. [Applause in the galleries.] For in the last analysis the Army of the Potomac was the convention of 1787 under the head of unfinished business.

Over every field gathered the patriots of the Revolution, for history must associate with the men who laid the foundations of the Republic in blessed comradeship forever the unnumbered hosts of the volunteer army which answered the summons of Abraham Lincoln for the defense of the national life.

It can not be more important to be born than it is to live. The Constitution of the United States had hardly been ordained before a school of politics grew up which began to teach that any part of the country, when it so desired, could work the total wreck of our institutions by the simple expedient of withdrawing from any further participation in them. The doctrine, common to all sections, was an heirloom of the colonial period. In such a harness the colonies had gone through a century of Indian warfare and had sealed with their blood the independence of their country. It has sometimes been said that the doctrine of State sovereignty was the last desperate refuge of the slave power in America. On the contrary, it was the original fortress of public liberty in the United States. Our ancestors were only slowly habituated to

look for the protection of their rights beyond the State which they could control to the nation which they could not control, and which they were only touched in a distant and unsatisfactory way.

That is exactly what Mr. Jefferson meant, in the days of the embargo, when he said: "I felt the foundations of the Government shaken under my feet by the New England townships." For, indeed, it was possible for an upheaval of local passion, or prejudice, or interest, to shake the foundations of the Government, during that long period when political factions were accustomed to enforce their decrees by secret hostility and even open conspiracy against the national life. It remained for a later and I soberly believe a better generation to measure without despair the chaos of civil strife, to walk into it, to fight the way of the people through it, to lift up a spotless flag above it, and in the midst of the flame and the smoke of battle to renew the covenant of blood made by our fathers, that government of the people, by the people, for the people, shall not perish from the earth.

After nearly a century of doubt and uncertainty some things, at least, have been made secure. Not very long ago one of our most honored university presidents was reported to have said that unless certain poorly defined ideas of his own in relation to the industrial life of our times prevail, within twenty-five years an emperor will be seated in the chair of Washington, while even in the Senate of the United States the anxiety, sometimes real and sometimes pretended, has grown familiar by repetition, that the Government established by our fathers has broken away from its moorings and is now adrift upon high seas, headed toward the rocks, nobody knows where.

We ought to keep company with no such opinions. They belong to the blackness of the darkness of a past generation. From 1865 forward to eternity, whatever else happens, the American Republic shall live—live to answer the accusers of the people, live to vindicate the faith of our fathers, live to send forth the light of civil liberty, to races not yet grown to the stature of freedom, and to nations yet unborn.

And not only has the Constitution of the United States had to contend with influences always adverse and sometimes malevolent in their hostility, but the Declaration of Independence has passed through vicissitudes hardly less perilous to its moral integrity. Mr. Jefferson originally wrote, "All men are created equal and independent." He then struck out the words "and independent," leaving our sublime political dogma standing nakedly there, "All men are created equal."

By that he did not mean that everybody comes into this world with exactly the same equipment of mind or body, or character, or estate. Our fathers, so far as I have been able to find out, were men of immense practical good sense. They knew perfectly well the differences which necessarily exist among men, arising from the nature of things. They had no quarrel with the framework of society. Their quarrel was with the abuses of despotism, the inequalities arising, not from the nature of things, but from the maladministration of governments. It was against these that they uttered the challenge of divine justice, "All men are created equal" in their right to life, liberty, and the pursuit of happiness.

But even in that narrower sense the Declaration of Independence has had a hard time of it from first to last. For nearly a century the institution of slavery put the Declaration to an open shame before the world. Mr. Jefferson, though himself a holder of slaves, understood this perfectly, for in his Notes on Virginia, speaking of slavery, he put on record his own conviction on the subject, without ambiguity and without reserve, in these words, as portentous to-day as they ever were before: "I tremble for the safety of my country when I remember that God is just and that his justice can not sleep forever." And Washington evidently had the same view of the matter, for if you will examine his last will and testament hidden yonder, in the Library of Congress exactly as he wrote it, you will see that, among the last acts of his life, he manumitted all his slaves, tenderly making provision for those who were too young to work and for the infirmities of those who were too old, and adding a pious expression of hope that the odious institution might speedily pass out of the life of the rising Republic. It was a blot upon the character of the whole country, made respectable by the laws of nearly every colony, North and South alike. It did speedily pass away from most of the States. The climate as well as the conscience of New England was against it, so that gradually its influence narrowed within the territory farther south, where for generations it remained, cursing the black man and the white man alike, and illustrating in the end the infinite judgment of God upon every form of injustice against the hands that are hardened by toil and the backs of men bent under the burdens of society. I know that while that conflict was in progress there were some who claimed that our fathers meant to say that liberty was suitable for white people only; but when Mr. Lincoln, in the great debates of 1858, drove Stephen A. Douglas from that position, he used only the legitimate weapons of history and reason.

I can not believe that our fathers, after they had been commissioned of heaven to write, in the face of the kingdoms and monarchies of this world, our manuscript of equal rights—I can not believe that they deliberately put out of their calculations any men or any race of men. To believe it would be to impeach not only the integrity of their minds, but the sincerity of their hearts. I refuse to do either. On the contrary, the longer I live the more perfect my conviction becomes that there is in this world, after all, only one question of politics, and that is the question of equal chances for men and women to win in the race of life. [Applause in the galleries.]

Questions of war and of diplomacy, of peace and education become significant only as they are bound up together with the rights and welfare of the weary and heavy-laden millions of the earth. Toward the consummation of popular freedom human society has steadily approached. That universal conclusion will surely be obtained. Kings and royal families can not stop the course of history. The end is inevitable, because it is right, that this world of ours, so long the theater of ambition and the prejudices of rank and caste, of race and creed; of blood and privilege and wealth, shall one day in the coming era throw off the tyranny of all these and in their place raise up unto honor the enduring aristocracy of upright manhood. [Applause in the galleries.]

That is the message which comes from one century across another to us and to our children; and long as this stately building stands here on the eminence which Washington chose for its foundations these favorite sons of colonial Maryland, his friends and counselors, whose statues we unveil to-day, shall repeat the message in the ears of all nations and of all ages. [Applause in the galleries.]

Mr. DEPEW. Mr. President, materialism is ever crowding with increasing force upon sentiment. It is destructive of ideals. As wealth increases and competition grows and larger opportunities intensify the struggle for existence or for great accumulations, unselfish sentiment becomes more distant and difficult. The war of the Revolution was, in its best and highest sense, inspired by sentiment and for a principle. Actual oppression had not reached that acute form which had precipitated other revolts. As Burke said:

In other countries the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The Continental Congress differed from all other bodies which have overthrown and created governments. All of its members were men of substance, who had nothing to gain, beyond the establishment of those principles of government in which they believed, and everything to lose in the contest. Carroll was the richest of the signers and the second richest man in the United Colonies. Washington was the wealthiest, his fortune being reckoned at \$750,000, while Carroll assessed himself at a half million dollars. Hancock was the wealthiest man in Massachusetts, Morris in New York, and in each delegation was some one similarly situated in his colony. It was mostly an American convention. Forty-nine of the signers were born in this country, two in England, two in Scotland, two in Ireland, and one in Wales. They were all thoroughly versed in the principles of English liberty and in the rights of British subjects. They knew what they were entitled to under the great Charter and the Bill of Rights. Their average age was 45 years. The oldest were Franklin and Hopkins, who were 70, and the youngest were Rutledge and Lynch, who were 27. Hancock was 40 and Jefferson 33 years.

The proportion of lawyers to the whole number was numerically less and the doctors were greater than in any subsequent Congress of the United States. Sixteen were lawyers, 9 merchants, 5 doctors, 5 planters, 3 farmers, and 1 clergyman. The other 17 were, like Franklin, men of letters and of science, who had made their mark in various careers. Eighteen were graduates of American universities, 3 of Cambridge, England, and 1 of Edinburgh University. Twenty-one were liberally educated in institutions of learning in this country and abroad and by private tutors and travel. Eleven were self-taught, but they were by no means the least learned of their associates. Roger Sherman, who began life as a shoemaker, was a man of such transcendent ability that he was regarded in the Convention as its ablest lawyer and possessing a judgment to which universal deference was paid. None of them had any title, nor were they statesmen, as that term was then understood. They were the products of a self-governing people, who had developed, in the course of a century and a quarter, a habit of independence.

The colonial forces had learned the art of war and been the most efficient soldiers of Great Britain in the struggle on this continent with France. The signers were not seeking fame by speeches which would command listening Senates, for they sat

with closed doors and without reporters. We know that the discussions were upon a lofty plane and carried on with universal ability and power. Jefferson bears witness that John Adams on the side of independence was a Colossus in debate. These fifty-six statesmen represented accurately the constituency which elected them. They voiced the sentiment of the vast majority of the American people. They were so conspicuous and influential that the British Government would gladly have rewarded them with the titles which are now so much coveted by the residents of the British colonies all over the world and granted to them as personal favor or distinction. They not only spurned these honors, but were conscious that if they failed in their revolt their lives were forfeited for treason and their estates confiscated. Two of them were already proscribed by proclamation as beyond all possibility of pardon if the colonies were subdued—Samuel Adams and John Hancock.

In other revolutions the violent men, the demagogues, those who had everything to gain by disorder, were in the main thrown to the front. With success came the struggle for power, and bloody proscriptions were as merciless and as general by those who succeeded in capturing the State against their associates in the Revolution as against the tyrants who had been expelled. This happened in the French Revolution, and has been the ordinary course of history in the South American Republics. But the signers of the Declaration of Independence never claimed for themselves any rewards of their countrymen for what they had done. None of them made any effort to seize the Government or to secure special individual favors. They knew what they were doing and that it was for posterity. Two of them became Presidents of the United States and one Vice-President, but the succession after Washington of John Adams and after Adams of Jefferson in the cleavage which came and lasted until the civil war between State rights and the nation were the natural choice of the free will of a free people.

Most of them were selected at different times during their lives for the diplomatic service, for Congress or the Senate, for the judiciary or the executive office in their several States, but they performed their duties as conscientiously and retired to private life as willingly as if they had never had any connection with the creation of the institutions which they served. Although their education had been local and their public life in colonial affairs, they commanded as diplomats the admiration of the oldest cabinets of Europe. The securing of the consent of monarchical France to an alliance, with the assistance of her fleet and armies, was a marvel of diplomacy, while the judicial decisions, acts of Congress, reports of Cabinet ministers, and state papers of the fathers has guided the course of Government from their day to ours and remain an unequalled monument of creative wisdom.

The course of Rome for many centuries was controlled by the mysterious revelation of the Sibylline leaves, but there was no mystery about the Declaration of Independence, no mystery about the Constitution of the United States, no mystery about the Farewell Address of Washington, and no mystery in the writings which have come to us from the fathers of the Revolution.

Forty-seven lived to see the independence which they had declared seven years before recognized by Great Britain. Forty-three hailed the new Constitution which was adopted in 1787, and which is our guide and government to-day practically unchanged. Happily for the country, three of them lived for more than fifty years after that eventful epoch-making Fourth of July. The influence not only of the teachings, but of the example of these surviving signers during the first half of our existence can not be calculated. The death of Jefferson and of Adams, occurring on the same day, on the Fourth of July, on the fiftieth anniversary of the hours during which the Declaration of Independence was adopted, brought vividly before the people the sentiment and the principles for which the signers stood. Their political antagonism had been forgotten in the last two decades of their lives, and in their union in death there appeared, as it were, on that memorable day spread upon the heavens in view of all the people the immortal Declaration of Independence; and on the one side Jefferson, the author, and on the other side Adams, the Colossus in debate, by whose eloquence it was unanimously agreed to.

Charles Carroll of Carrollton lived six years longer. He spent twelve years abroad, studying in the best institutions of England and of the Continent. His wealth and social position at home brought him in contact with the leading minds of those countries. He was four years in the Temple at London studying law. At the age of 27 he returned to his home equipped with every appliance of opportunity and of learning that the times afforded him. This was in 1764. The colonies were aflame with the discussion of taxation without representation. Carroll instantly jumped into the arena. His pamphlets commanded universal attention. To the royal governor of Maryland, who had endeavored to impose a tax not sanctioned by the legislature, he wrote this revolutionary

sentiment and dangerous expression for a colonial subject twelve years before the Declaration of Independence: "In a land of freedom this arbitrary exercise of prerogative must not and will not be endured."

Ten years later and two years before the final act, conferring with some members of Parliament, one of them said: "If you revolt, we will send 6,000 veteran English soldiers to your country, who will march from one end of it to the other, for there is nothing with you which could resist them." Carroll's answer was: "So they may, but they will be masters only on the spot on which they encamp. If we are beaten on the plains we will retreat to the mountains." Carroll was not present when the Declaration of Independence was passed. Maryland had suffered little and was not feeling seriously the effects of the extraordinary exercise of the royal prerogative, so the Maryland legislature was reluctant to take the extreme step of separation. Carroll made it his mission as a member of that legislature to bring his State into line. Nothing could resist his impetuous patriotism and sound reason. He had more at stake than any of them, and he brought his State finally to withdraw its opposition and to authorize its delegates to sign the Declaration. Then with this mission, won mainly by his efforts, he went to Philadelphia and took his place as a delegate in Congress.

When the time for signing came, and in bantering each other as to whether in case of failure they would hang singly or hang together, the remark was made to Carroll, "You can escape, because there are so many Charles Carrolls." His answer, immediately emphasized by the inscription following his pen, was, "Charles Carroll of Carrollton." It is the only title in our Revolution. There have been many men of distinction in different ages and countries whose proud boast was that they had and could transmit to their descendants their name as of the duchy, the earldom, or the barony which had been bestowed upon them by royal grant for distinguished services or as favors of the Crown. But here was a distinction not bestowed, not granted, but assumed by the writer, not as a title of nobility, not as a claim, like the lands at Blenheim, to a great estate conveyed by a grateful country, but as the location and description by which the executioner could find him if the cause of liberty failed. The members of revolutionary conventions, as a rule, when the revolution was successful, have met with bloody deaths or been driven into exile. But the signers of the Declaration of Independence experienced all their lives that sweetest incense to a patriot and a statesman—the love and reverence and admiration of a grateful people.

A writer records a visit made to Carroll at his home when he was the only survivor of that immortal band. He was at that time 95 years of age. The visitor says that as he entered the parlor from a bundle of shawls on the sofa came a figure so slight and emaciated that it seemed scarcely human. But Mr. Carroll began at once to question him about the Virginia statesman from whom he had come and then to discuss the old days in the light of the new. That visitor, a man of imagination, cared little for what was said. He was grasping a hand which had signed the Declaration of Independence. He stood in the presence of the last of the immortals. There must have appeared to him the Congress in session on that great day. He could see Benjamin Harrison, of Virginia, seize John Hancock, who had just been elected President, and carry and place him in the chair, saying, "We will show mother Britain how little we care for her by making the Massachusetts man our President whom she has excluded from pardon by public proclamation."

He would see Benjamin Franklin calling attention to the fact that upon the back of the President's chair was a picture which represented the rising sun, the same chair which Washington occupied eleven years afterwards as President of the Constitutional Convention, when the sun of American liberty had risen, never to set. He would recall that then and there was the dawn of a new era in the affairs of the world. Constitutional liberty, self-government, the equality of all before the law, absolute religious freedom, and freedom of the press. These were new forces, which, if successful, must permeate all countries and affect the institutions of every land. Charles Carroll at 95, fifty-six years after he had signed the Declaration of Independence, could look back triumphantly at the results. He could see three generations of his own descendants enjoying its blessings. He had witnessed the perils of the Confederation, the cementing of the bond of union, and the creation of an imperishable nation by the Constitution of 1787.

As a friend and adviser of Washington he had taken part in that formative period of the first two Presidential terms, when the fabric was so feeble and tottering daily to a fall, and when it was held together mainly by the character and confidence of that foremost man of all the world, "The Father of his Country." He had witnessed the perils of a French alliance, which had been avoided, and seen the successful issue of a second war with Great

Britain. His country was strong and prosperous. Every nation had its representatives at its capital. It possessed a powerful navy and mercantile marine, which carried its commerce all around the globe, its flag was on every sea and in every port, and the prosperity and happiness of its people were unexampled. There was but one danger, and that was acute in 1832—the danger of disunion. When the Declaration was signed, in 1776, the perils of the country were wholly from without. In 1832 they were entirely from within.

"One people" was the term used in reference to the citizens of the Thirteen United States of America in the Declaration of Independence. "We, therefore, the Representatives of the United States in Congress assembled, appealing to the Supreme Judge of the world, declare that these United States are, and of right ought to be, free and independent States," was the closing of that document. "That the people of the United States, in order to form a more perfect union," are the words under which our Constitution was written. Washington received his sword from the Congress of the United Colonies, and returned it when triumphant to the Congress of the United States. All who were born and all who accepted citizenship under that Declaration and that Constitution came into the inalienable inheritance of all the rights, the powers, and the liberties of the Union of the States. The danger to the Union from the conflicting ideas of State rights and nationality, which clouded the last days of Charles Carroll, culminated in 1861 into the bloodiest civil war of modern times.

That struggle it is now clearly seen was a providential interposition in our affairs, not only to extirpate slavery, but to perpetuate the Union. We witness the unprecedented spectacle of the victors and of those who failed, both fighting as our blood only can fight for an ideal, now sitting side by side in this Congress, equally loyal to the flag and to the Union. The passions of civil war have died while the generation which fought it is living. With this question settled the progress and development of the country in all that constitutes the wealth and power of a nation has been five times greater in the thirty-seven years since the civil war than in the preceding eighty-nine years.

We can place among the immortals John Hanson, who has also been selected by the Commonwealth of Maryland as her representative in the gallery of State patriots in this Capitol, as President of the Congress of the Confederation during the later years of the struggle, and he had appended to his name the unique title of "President of the United States in Congress assembled." As the signers, from above, note the honor this day conferred upon the one of their number who lingered longest on this side they recognize that, great as were their aspirations, fond as were their hopes, mighty as were their dreams of the future of their country, yet in every element which makes a happy people enjoying the blessings of the largest liberty and a nation foremost in the affairs of the world, the Republic which they created has surpassed all they hoped or dreamed or prayed for. [Applause in the galleries.]

Mr. BACON. Mr. President, I am unwilling that the exercises of this most interesting occasion shall close without any word being spoken from either of the four original States lying south of the Potomac. In the arrangements made for these exercises it was not designed that this should be so. Of these four States, if not of the entire thirteen, in Revolutionary times, Virginia will be recognized as easily the first.

And thus it was that it was deemed proper that a Senator from Virginia should be heard upon this occasion. It seemed to be peculiarly fitting that this should be so on the presentation of these two statues.

John Hanson was the first President of the United States in Congress assembled, and a Virginian was the first President of the United States under the Constitution.

Charles Carroll was a signer of the Declaration of Independence, and the framer of the Declaration of Independence was a Virginian, while the soldier who made that Declaration good was also a Virginian.

Recognizing all this, the senior Senator from Virginia [Mr. DANIEL] had been selected to speak as the representative, in a sense, of these four original States. All will agree that no more happy selection could have been made. Unhappily, since these exercises have begun and within a few minutes just past, the information has been brought to us that the illness of the Senator from Virginia will prevent his being heard to-day, and, at this last moment, the duty has been unexpectedly devolved upon me.

Mr. President, I would not undertake at any time to supply the place of this eloquent Virginian, and in any event extemporaneous speech would not be fitting here to-day. But without attempting more than a word, I will be pardoned, Mr. President, for saying that the failure of Virginia or of North Carolina or of South Carolina or of Georgia to be heard to-day would be misconstrued, if from such failure it was understood that the fact that statues to John Hanson and Charles Carroll were to be

presented here to-day had been passed over by them as a matter not worthy of attention or of speech from them; for it can be confidently said that not only now, but at all times since the date of the signing of the Declaration of Independence the people of those four States have been loyal and true to every utterance of that great instrument. They are not only loyal to its great principles, but they revere the memory of its great authors.

Mr. President, not only in sentiment, but so far as might be expressed in acts, the devotion of the people of these States to the principles of that instrument has been manifested, and they have united in the effort to do honor to those who framed that immortal instrument, and plighted their lives and fortunes to its maintenance.

Among other things, it may be mentioned that in my own State of Georgia there are a number of counties which have been named for framers and signers of the Declaration of Independence. I can not enumerate all of them, but I will mention as pertinent to this occasion that not only are there in Georgia the counties of Jefferson and Hancock and Franklin and Gwinnett and Hall and Walton, and others bearing the names of these illustrious signers, and named in their honor, but there is also in the State the county of Carroll, named in honor of the renowned Marylander.

Mr. President, if I may be pardoned the suggestion, as I have sat here and listened to these eloquent speeches I have noticed in the niches of this Chamber the busts of all the Vice-Presidents of the United States, and the thought has occurred to me that it would be fitting if at some time the Government of the United States would erect a hall for the immortals—the consecrated band who proclaimed the great Declaration which challenged the political dogmas of a thousand years, and defied the greatest military power of all the earth.

We have the Chamber of the old House of Representatives, in which each State is authorized to place the statues of two of its most illustrious citizens. But, sir, this work of thus commemorating these founders of the Republic should not be left to the States alone. The time may come when the old Senate Chamber will be vacated by the Supreme Court when a fitting building may be erected for the judicial department of the Government.

When that time comes, Mr. President, it will be fitting that that historic chamber shall be chosen for the hall of these immortals, and that therein shall be placed, to be forever preserved, the effigies in marble and bronze of the deathless framers and signers of the Declaration of Independence.

Mr. WELLINGTON. Mr. President, Maryland, one of the original thirteen States, to-day sends greeting to her sister Commonwealths and, as a token of her steadfast faith in the principles advocated by the immortal Declaration of Independence, places in the American Pantheon the statues of two of her most illustrious citizens of the Revolutionary period—Charles Carroll of Carrollton, to whose untiring energy and aggressive policy the adoption of the Declaration of Independence is in a great measure due, and John Hanson, who was the first "President of the United States in Congress assembled" under the government of the Articles of Confederation. The pages of her history are illumined by many names which shall live as long as the American nation survives or the records of its history are remembered. In peace and war, in the period of settlement, during all the mutations of fortune in the Revolution, in the adoption of the Constitution, in the progress of the nation, in the great civil struggle, and in the years subsequent thereunto unto the present she hath wrought her part through and by the heroic efforts of her sons. From among them all have been selected these two as being most worthy to represent her in the Temple of Statues at the National Capitol.

When the adventurous spirits—heroic mariners and commanders of Europe—in the sixteenth century sought, discovered, and explored the New World, in which they fondly imagined the fabled treasures of El Dorado might be hidden,

They found not what they sought,
But Fame with her bay wreath dowers
The hardy band, for they found the land,
And the land that they found is ours.

But, sir, in the century following the North American continent became the trying place and haven of refuge of the oppressed of all European nationalities, who pledged themselves to liberty, religious toleration, and self-government. The struggles of settlement, the battles for British supremacy, are an important page in the annals of our country. The Puritan of New England, the adherent of Roger Williams, who founded the Providence Plantations, the Quaker followers of Penn, the Cavaliers of Virginia, the Catholic adherents of Leonard Calvert in Maryland, the Huguenots of the Carolinas, were unlike in many things, but the mainspring of their action was freedom, independence, self-government.

The province of Maryland was granted by Charles the First to Cæcilius Calvert, Lord Baltimore, bounded with much greater dimensions than now constitute the territory of the State. A

number of counties in West Virginia, Delaware, and a portion of Pennsylvania were included. But with Lord Fairfax upon the one hand and the eminent Quaker, William Penn, on the other the boundaries were circumscribed and narrowed after many bloody encounters and valiant fights. Lord Baltimore held the colony as a feudal principality, but never viewed it personally, having delegated to his brother, Leonard Calvert, the rights of government. He was a noble, righteous, and liberal man, and under his leadership the colonists of Maryland "laid the foundation, broad and deep, of civil and religious liberty."

As it was in Maryland, so it gradually became in her sister colonies. The same aspiration was felt, the same environment sought, the same object contemplated in each and every one of the colonies finally dominated by Great Britain. New Amsterdam became New York; the Spaniards returned to the southland; the French, after a desperate struggle, were forced to abandon the mainland entirely; and thus in the passage of time all elements were consolidated under English influence and the British spirit of liberty pervaded the conglomerate mass.

The founders of the colonies sacrificed the civilization of Europe to avoid coercion, and their descendants were deeply imbued with the spirit of liberty. With the ax in one hand and the rifle in the other, they penetrated the wilderness, subdued nature, and conquered the aboriginal inhabitants. As they grew and prospered the English Government withdrew its protection and they stood alone. The American pioneer was forced to do battle for himself against a savage foe, and also to combat the enemies of Great Britain. This taught him self-reliance, to seek his own and his fellow-colonists' counsel, and gradually to form a bond of union in which mutual friendship and reciprocal aid were the component parts. There was no recognized right to form alliances among themselves, but in consequence of the similarity of their interests, laws, and at times precarious situations, they frequently united to advance the common welfare and for defense against the Indians. Finally in 1754 a Colonial Congress was held in Albany, at which delegates from seven colonies were present. It was resolved "that a union of the colonies is necessary for their preservation, and Parliament should establish it." It was not, however, until the mother country began its tyrannies and oppressions that such a union was consummated. The bold stand taken by the people of Massachusetts was approved and applauded by the other colonial legislatures, and a national feeling was manifested.

When, in 1775, the first clash of arms came in Massachusetts, a Continental Congress had already assembled, of which Peyton Randolph, of Virginia, was made the President. A year later the second Congress, having passed beyond petitions and bills of right, advanced to the supreme step of severing relations with the mother country, and announcing to the world a doctrine in governmental affairs as different to that which had preceded it as the new dispensation of the Nazarene had been in comparison with the Mosaic law. During the Middle Ages and even in modern times the feudal tenure had prevailed in Europe. There was mastership and service. The common people were serfs, the nobles held power by force, the monarchs of the kingdoms and empires ruled by right of descent and the grace of God.

The Declaration of Independence reversed these ancient methods, denied the usurped powers, and proclaimed the right of men to govern themselves by their own consent. Kingship was abolished, nobility and its titles discarded, and a simple government of the people, through representatives chosen by themselves, assumed control in their stead.

The colony of Maryland had been in sympathy with the opposition to the encroachment of Great Britain upon what the colonists considered their "inalienable rights" and had participated in the first Continental Congress, had answered the call of Massachusetts for assistance, and the riflemen of Allegany, with other component parts of the Maryland Line which was afterwards to become famous as the army of salvation upon at least two occasions, when desperate battles were fought, had been sent forward to aid the colonists of New England.

They were, however, a conservative people; they were a proprietary colony in contradistinction with those of a provincial character or charter government. Men of great landed estates, always careful, were not willing to advance in rapid strides, and they deemed in the Maryland convention, which appointed its delegates to the Continental Congress in 1776, that the time for separation from the mother country had not yet come. Therefore Samuel Chase and his colleagues sent by Maryland as delegates to the Continental Congress were restricted in their powers and instructed to vote against the adoption of the Declaration of Independence upon the part of the Maryland colonists.

It was at this point that the eloquence, ability, patriotism, and aggressive nature of Charles Carroll and the conservative but steadfast character of John Hanson united and intervened and threw the weight of the influence of their native colony upon the side of those who sought for separation from Great Britain and the establishment of the Republic.

Charles Carroll of Carrollton was born September 8, 1737, at Annapolis, in the colony of Maryland, which city was then not only the capital of the colony, but the center of wealth, power, culture, and social influence of the colonies of the South. His family was the richest in Maryland and potent in fashioning the course of events in that domain. They were of the Catholic faith and Jacobite in their tendencies. Charles Carroll was, at the age of 8 years, sent to France to be educated in the religious colleges of that country. At the age of 20 he departed from France and became a student at law at the Temple, in the city of London, England, where he remained for eight years, and at the end of that period was probably one of the most highly educated and cultivated men born in the colonies, for, in addition to the advantages that had been given him, he added a strong character and splendid intellect. At the age of 27, after an absence of twenty years from his native land, he returned to Maryland, and by reason of his powerful family ties, his great wealth, but, above all, on account of superior ability and a mental equipment exceeded by none of his countrymen, he at once took high station among them and began his career in the practice of the law and the management of his estates.

In the year succeeding his return to Maryland the odious "stamp act" was passed. It touched every fiber in his nature and at once ignited into a bright flame the latent fire of his patriotism. He was in the front rank of those who boldly and courageously protested at this iniquitous legislation of the mother country and pledged himself to resist the execution of the infamous law.

In 1774 the delegates to the Maryland assembly passed a resolution declaring that no more tea should be imported into that territory. In contravention of this resolution, in the year of its adoption a brig load of this article arrived in the port of Annapolis. Intense excitement at once manifested itself. The *Peggy Stewart* was ready to discharge her cargo, but the noble woman in whose honor the vessel had been named, herself an ardent patriot, by an appeal to Charles Carroll prevented the consummation of the project. When his advice was sought as to what it was proper to do under the circumstances, he replied with promptitude and decision, "If you would allay the rage of the people, burn the vessel together with its contents." It was not many hours afterwards when a great concourse of people assembled upon the water front saw the bright light of a conflagration, which burned the vessel to the water's edge, and there went up a great shout of patriotic satisfaction.

In 1776 Charles Carroll was appointed a commissioner, with Benjamin Franklin, Samuel Chase, and John Carroll, to induce the inhabitants of Canada to join with the thirteen colonies in their antagonism to British tyranny. This mission was unsuccessful. Influences which it would be futile to mention in the present caused the Canadians to refrain from uniting with the American revolutionists in their great struggle for liberty.

On his return to Philadelphia, Carroll found that the Continental Congress was engaged in debate and discussion upon the proposition that not only should there be resistance to the unjust taxation of the British Parliament, but that the colonists had now reached a vantage ground upon which they should assert their independence of English rule. Carroll found that Chase and his colleagues, who had been chosen to represent Maryland, would be unable to vote for this Declaration, by reason of instructions which had been placed as a restriction upon them by the assembly which gave them their credentials.

In a moment his mind, which was quick of perception, saw the danger of this opposition, for the action of the Maryland delegates in refusing to sign the instrument might have a fatal effect upon its intent and frustrate its purpose. The national sentiment had reached its height. The moment for decisive action had arrived. In order to make the action of the Congress effective it must be unanimous, and therefore Carroll, with a celerity in those days unprecedented, journeyed to Annapolis. In haste he proceeded to the convention, and with resolute demeanor, while it was yet in session, entered the chamber, procured recognition, and at once began the delivery of an address which seems an inspiration; so forceful in its nature was it that he procured a repeal of the instructions, and on that day, the 28th of June, prevailed upon the convention to send new instructions to the delegates at Philadelphia, abrogating those formerly issued and directing them to vote for the Declaration.

In the first days of July he was appointed a delegate to Congress, and notwithstanding his strenuous effort to reach Philadelphia in time for the passage of the Declaration, he was too late to cast his vote in its favor; but when the delegates were called upon to sign their names to the immortal document John Hancock, the President of the Continental Congress, asked him if he would sign it. "Most willingly," rang out the clear voice of Carroll, and he stepped forward and affixed his name; but as he did so some one suggested that it was an act for which possibly His Majesty the King of England might at some future time un-

gently require his presence, and that there were other Carrolls in Maryland. Therefore he again took the pen and added, "of Carrollton." "That the British King might know where to find him to answer for his treason." Thus we find that while Charles Carroll was not of the committee which drew that great state paper, while he could not claim authorship or inspiration as did Jefferson and Franklin, yet upon his action depended its acceptance and success.

During the great struggle which followed, which, indeed, had already begun, until its final consummation, Charles Carroll labored without ceasing. The friend and confidential adviser of Washington, serving in many capacities; in Congress, in the State legislature, ever faithful and loyal, ready and willing to give freely of his services and his means, that the Declaration for which he had pledged "his life, his fortune, and his honor" should triumph.

The Declaration of Independence is, in my humble opinion, the most important act of the American people. Its adoption was hailed with patriotic exultation by the colonists. Amid the peals of old liberty bell from the tower of the hall in which Congress deliberated freedom was proclaimed. It was the beginning of a new era in government. It not only gave notice to the world that the American colonies were, and of right ought to be, free and independent States, but it went further and beyond that. It declared that all men were born free and equal, and endowed with certain inalienable rights, among which should be mentioned "life, liberty, and the pursuit of happiness." Aye, it went beyond that, and it laid down resolutely and firmly the doctrine that all just government must derive its authority from the governed. The world was astonished; Britain was stunned by the blow; Metternich, the statesman of the old school, who was guiding the fortunes and diplomacy of continental Europe, laughed and said that "a government so founded must be ephemeral in its nature and would soon pass away by reason of internal dissensions." But his prophecy was vain; his judgment was clouded; for upon that Declaration was founded a new nation, conceived and born in liberty, fraternity, and equality, and it was the intention of the fathers, the framers, the patriots; it was the intention of Charles Carroll and John Hanson, as evidenced in many of their utterances, that America should not only have freedom for herself, but should inculcate liberty and advance, protect, and defend freedom for all the nations and peoples of the earth.

The Declaration of Independence is the grandest exposition of the noble heritage which of right belongs to a patriotic, liberty-loving people that has ever been penned, spoken, proclaimed, or sung by man. It is splendid in conception, magnificent in its dignified statement, majestic in its ever-increasing power, as it names, condemns, lifts up to scorn the encroachments, oppressions, and tyrannies of the English Government, and becomes sublime as it hurls its maledictions upon wrong, breaks the bonds that bound the colonists, and proclaims liberty to the world. It is not organic law, it has not the force of the Constitution in courts of law, but, sir, in the day the Declaration of Independence is not the supreme law in the hearts and minds of the American people the Constitution will be no longer respected and the national life will be endangered. Therefore it should stand first, sacred, inviolate.

During the same time that the Continental Congress was employed in fashioning and adopting the Declaration of Independence there was also appointed a committee to formulate a plan of government for the union of the thirteen colonies into a league for the mutual protection and defense, that they might in union wage war upon Britain and achieve a common independence. These articles do not evidence the same high spirit that was manifested in the Declaration. Rival interests, sectional differences, various contentions which had been forgotten in the lofty and noble patriotic enthusiasm of the Declaration were plainly seen in the twenty articles which were reported to the convention. After the adoption of the Declaration a long struggle took place upon these Articles of Confederation. They were finally adopted by the convention on the 15th day of November, 1777.

The Declaration had dealt with the people of the United States. The Articles of Confederation dealt with sovereign Commonwealths, and here we find the beginning of the two ideas which fought for supremacy from the first hour of our appearance in the arena of nations until the end of the great civil war—the one for Federal supremacy, the other for State sovereignty.

These Articles of Confederation were ratified in July, 1778, by delegates from all the States in the Union save three. They were subsequently signed by New Jersey on November 25, 1778, by Delaware February 23, 1779, and Maryland March 1, 1781. It will be seen that the State of Maryland was the last to give adhesion to the plan of the Confederacy. The reason for her long and strenuous opposition was that John Hanson and Daniel Carroll, of her delegates in Congress, assumed a position upon the question of the Western domain which was at length successful and which time has demonstrated to have been supremely wise.

Beyond the confines of the original States lay the great "North-west Territory." Several of the Commonwealths claimed extravagant area because of the ill, or rather undefined, boundary. Maryland refused to ratify unless these claims were surrendered, for she contended that the vast tracts of land rescued from the common enemy by mutual effort should be common property and inure to the benefit of the National Government. This position was maintained for five years. Hanson and Carroll labored assiduously to remove the impediments existing, and at length succeeded in arousing the other States to a sense of the importance of the question and effected a compromise. Thereupon they were empowered to sign the ratification for Maryland.

After these years of struggle we find Maryland, though the last of the States to accede to the proposition, gave her assent to the ratification of the Articles of Confederation graciously and gladly on March 1, 1781, and made plain the way for the beginning of government under the Confederacy. The Revolutionary or Provisional Congress passed away. In its stead the new Congress, under the government of the Confederacy, was convened on March 2, 1781, under the title of "United States of America."

Under this plan of government there is what may appear to us now a strange condition. There is absent every particle of executive power in this Confederacy; the Congress is the legislative power, and in truth the only governing power recognized in the Republic. The reason for this is, to the student of history, very plain. The patriots of the Revolution had so long suffered from executive power as imposed by Parliament and practiced by royal governors that they detested and despised it, and would have none of it in the General Government. The States themselves had their governors and legislative bodies, but the Federal Government was devoid of executive power, except so far as the Federal Legislature by its own acts assumed them under the articles and executed them through its President.

Upon the assembling of Congress, under the new Articles of Confederation, on the 2d of March, 1781, John Hanson was present as a delegate from Maryland. He was born in Charles County, southern Maryland, in the year 1715, and was therefore at this period fast approaching the time which is allotted to men by the patriarch—three score and ten—yet he was as active as ever in the great struggle for independence. Years had not diminished his ardor nor lessened his devotion to the cause. He was descended from a family who originally dwelt upon the eastern shore of the State, in the good old county of Kent. His was one of the most influential families in the province. His personality stands in direct contrast with that of Charles Carroll. His education was obtained in the land of his nativity, not in foreign countries. His occupation was that of a Maryland landowner, a tiller of the soil, dwelling amidst his large plantation; a Protestant in faith, and, naturally, an adherent of the house of Hanover.

In early manhood he began, by reason of his position, to take great interest in the affairs of the colony. He represented Charles County in the lower house of the assembly in numerous sessions, and in the exciting times when the oppressions of Great Britain upon the colonies augmented from year to year he participated with thoughtful conservatism, which gradually developed—not by passion, but by reason and principle—into a determined opposition to the mother country. His fame spread throughout the province, and he ranked high among the accepted leaders of the movement for resistance. He was among the strongest and staunchest advocates of the "Maryland associations," and was among the first to sign the agreement obligating himself, "by the sacred ties of honor and reputation, not to import nor purchase any article thus taxed or which should thereafter be taxed by Parliament for the purpose of revenue," and he was the first in Charles County to openly compel the reshipment of goods sought to be imported.

In 1773 the march to the westward had already begun, and Frederick County, which has proven to be one of the richest agricultural districts in the United States, began to attract prominent settlers. John Hanson was in the vanguard of the march of the new pioneers and settled in Frederick County in 1773. Already well known as a leader in the State, his activity was transferred from Charles to Frederick County. In 1774 he was appointed a delegate to the General Congress at Annapolis and also elected a member of the committee of observation for the colony. He was active in organizing the Maryland Line, and contributed freely from his means, not only to his own State government, but it is recorded of him at this time that he sent £200 sterling for the relief of the poor of Boston, then suffering by reason of British invasion. Thenceforward we may trace his history, ever in the forefront, serving in various capacities upon committees and in assemblies.

In 1775 the Maryland convention issued its declaration of independence, known as the "Association of Freemen of Maryland." This meant the downfall of the proprietary government and the assumption of power by the provisional government of the people themselves. Matthew Tilghman was the president of this

convention, and John Hanson one of its most distinguished and forceful members. During his chairmanship of committee of observation in Maryland, which practically governed the colony, the attempt of Lord Dunmore and his fellow-conspirators to destroy Maryland, Virginia, and Pennsylvania by fire and sword was discovered and frustrated. When Maryland had ceased to be a province and became a State under its own constitution, John Hanson was again a member of the general assembly, and in 1779 was elected a delegate to the Continental Congress. In November, 1780, he was reelected to the general assembly of Maryland, but declined the honor and resigned his office, he being at the same time a member of the Continental Congress from his State.

Here it may be remarked that when he resigned his office he said to the people of Frederick County that the best man they could send in his place was Thomas Johnson, the famous first governor of Maryland when she was free.

On November 28, 1781, John Hanson was reelected to Congress for his third term, and with Daniel Carroll subscribed to the ratification of the Articles of Confederation for his State.

The organization of the new Congress began, and John Hanson, of Maryland, was chosen as President, and thus became "President of the United States in Congress assembled," occupying that exalted position until 1782, during the eventful period when the American armies, in conjunction with their French allies, finally triumphed, when beneath the rays of an October sun George Washington received the sword of his captive Cornwallis. The great labor accomplished, independence won, and the nation in its formative period, with every indication of advancement and success, John Hanson, now a man old in years as well as high in honors, retired from public life, seeking seclusion and rest.

He was the first "President of the United States in Congress assembled," and his hand guided the fortunes of the new nation in the year which brought the final success of American arms, after a long period of vicissitude and changeable fortune. He was not a man of selfish ambition, but became active in the affairs of his native colony by reason of his love of country and steadfast purpose to stand by and for the right. That he loved home better than the arena of political life is evidenced by his correspondence with his nearest and dearest of kin. As we read some of these epistles written to his wife and to his son-in-law, Dr. Philip Thomas, of Frederick, we are impressed with the fact that only a high sense of duty kept him for five and twenty years constantly engaged in public service, and allowed him to retire only when his fondest hopes had been realized in the consummation of freedom and self-government for his native land. I trust I may be pardoned for presenting to public view an extract from a letter which was evidently intended for his family, dated at Philadelphia, September 4, 1782. He wrote as follows:

As to my serving as a delegate in our assembly next year, I hope my friends will excuse me. I think the public can have no further claim to my services. I have performed my term of duty and they must give me a discharge. Retirement to people of my age must be most desirable, and I hope I shall enjoy it in the future without being censured for withdrawing from the public service.

But the effect of the arduous labors of a lifetime of constant effort in the great cause soon called him to a more lasting rest than that afforded by the seclusion of his estate, for on the 22d day of November, 1783, he passed out of this life into the future, where it is said "just men are made perfect."

Charles Carroll lived long beyond John Hanson. To him was vouchsafed a life filled with honors even in his declining years. The services which he rendered to his State and to the Union can not be too highly appreciated. The Articles of Confederation had been well denominated "a rope of sand," and the formation of a strong, lasting Union was necessary as between the sovereign States. Common oppression and mutual disasters had united them in a desperate endeavor to obtain freedom.

At the conclusion of the struggle the Army was disbanded, Washington resigned his commission and lived quietly at Mount Vernon; but notwithstanding his private station, he stood first in the hearts of his countrymen, and he was worthy of their high esteem. His patient endurance more than any other quality had brought final success to the American arms. It was reserved for him to do as great a service for his country in civil life as he had rendered upon the field. He it was who appealed to his countrymen to form a more lasting union by the adoption of a Constitution creating a Federal Government. His influence was necessary, he alone had the power of leading the various and conflicting interests of the colonies to this conclusion. Among the very first of the leaders in the various States with whom he had consultation was Charles Carroll, and through Charles Carroll Maryland was induced to favor a convention and assist in the formation of a Constitution and finally aid in its adoption. Thus he rendered to the State and to the Union service of supreme value. He served in the Senate of the United States under the new Constitution, for the adoption of which he labored valiantly and faithfully. Then in the senate of his State for a decade, and after that

came retirement from public life, receiving in private station from his fellow-citizens the honors which were due to him as the first and greatest citizen of his State. The end of his glorious life came on the 14th of November, 1832, he having reached an age almost unprecedented among the men of his time, almost 96 years. He was the last survivor of the signers of the Declaration of Independence.

Such was the character, such were the services of the two Marylanders whom our statues typify as the best product of the manhood of our soil. They have passed away, but they shall be ever remembered, and their fame will extend into the distant future. Their influence has not ceased. True it is, the principles which they evolved and for which they struggled seem at present to be obscured by an eclipse. If it be so, would it not be well upon this occasion to call a halt in the fateful march, would it not be well to look backward, and, if necessary, retrace our steps until we may stand again in that altitude where our vision will become bright and clear, where the flash light of an indiscreet ambition, of a desire for "world power," for territorial expansion and colonial aggrandizement shall forever pass away, and in its stead we shall see again that light which led us for a century and a quarter in honorable history and glorious achievement as a nation? We shall march to the music of the song of the great Declaration for which Charles Carroll and John Hanson lived and labored throughout many years, and realize, as did they, that our strength as a nation depends upon the exemplification of the grandest doctrine ever promulgated to men—that they shall be free and govern themselves, under God, according to their own consent and pleasure. [Applause in the galleries.]

Mr. HOAR. Mr. President, I ask that an order be made that the Senator from Virginia [Mr. DANIEL] be permitted to put into the RECORD and into the account of the proceedings of this day, when published otherwise, the remarks he had intended to make.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Senator from Virginia [Mr. DANIEL] may be permitted to publish in the RECORD and make part of the record of this day's proceedings the speech which he had prepared and had intended to have made, but which he has been prevented from doing by sickness. Is there objection to the request. The Chair hears none, and that order is made.

Mr. WELLINGTON. Mr. President, I ask that the concurrent resolution offered by my colleague be adopted.

The PRESIDENT pro tempore. The question is on the adoption of the concurrent resolution offered by the Senator from Maryland [Mr. McCOMAS].

The concurrent resolution was unanimously agreed to.

Mr. WELLINGTON. I now move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until Monday, February 2, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1903.

CONSUL.

William H. Bishop, of Connecticut, to be consul of the United States at Genoa, Italy, vice Richmond Pearson, appointed envoy extraordinary and minister plenipotentiary to Persia.

COLLECTORS OF CUSTOMS.

John M. Holzendorf, of Georgia, to be collector of customs for the district of St. Marys, in the State of Georgia, to succeed Budd Coffee, whose term of office has expired by limitation.

John Rosler, of Virginia, to be collector of customs for the district of Tappahannock, in the State Virginia, to succeed Thomas C. Walker, whose term of office has expired by limitation.

SURVEYORS OF CUSTOMS.

Jeremiah J. McCarthy, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts. (Reappointment.)

Charles H. Senseney, of West Virginia, to be surveyor of customs for the port of Wheeling, in the State of West Virginia. (Reappointment.)

ASSISTANT TREASURERS.

George A. Marden, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass. (Reappointment.)

William S. Leib, of Pennsylvania, to be assistant treasurer of the United States at Philadelphia, Pa., to succeed John F. Finney, whose term of office has expired by limitation.

COLLECTOR OF INTERNAL REVENUE.

Peter E. Garlick, of New York, to be collector of internal revenue for the Twenty-first district of New York, to succeed Charles C. Cole, resigned.

ASSISTANT SURGEON IN THE NAVY.

Ransom E. Riggs, a citizen of South Carolina, to be an assistant surgeon in the Navy, from the 19th day of January, 1903, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

1. Commander Charles C. Cornwell, to be a captain in the Navy from the 10th day of January, 1903, vice Capt. George W. Melville, retired.

2. Pay Inspector Samuel R. Colhoun, to be a pay director in the Navy from the 22d day of November, 1902, vice Pay Director Arthur Burtis, retired.

3. Pay Inspector John N. Speel, to be a pay director in the Navy from the 11th day of January, 1903, vice Pay Director William J. Thomson, retired.

MIDSHIPMEN TO BE ASSISTANT NAVAL CONSTRUCTORS.

1. Julius A. Furer.

2. William B. Fogarty.

3. Sidney M. Henry.

4. Lewis B. McBride.

These nominations are made in lieu of those of January 8, 1903, which are hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1903.

SURVEYOR OF CUSTOMS.

Sidney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

COLLECTORS OF CUSTOMS.

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York.

James Low, of New York, to be collector of customs for the district of Niagara, in the State of New York.

POSTMASTERS.

GEORGIA.

Ida R. Wimberly, to be postmaster at Abbeville, in the county of Wilcox and State of Georgia.

John B. Crawford, to be postmaster at Cairo, in the county of Thomas and State of Georgia.

Alfred B. Finley, to be postmaster at Douglas, in the county of Coffee and State of Georgia.

Cicero C. Alexander, to be postmaster at Harmony Grove, in the county of Jackson and State of Georgia.

John C. Massey, to be postmaster at Hartwell, in the county of Hart and State of Georgia.

Newton T. Jones, to be postmaster at Pelham, in the county of Mitchell and State of Georgia.

Job R. Smith, to be postmaster at Winder, in the county of Jackson and State of Georgia.

Samuel M. Davis, jr., to be postmaster at Calhoun, in the county of Gordon and State of Georgia.

Edward Y. Swanson, to be postmaster at Monticello, in the county of Jasper and State of Georgia.

MARYLAND.

William R. Reese, to be postmaster at Crisfield, in the county of Somerset and State of Maryland.

Milton S. Lankford, to be postmaster at Princess Anne, in the county of Somerset and State of Maryland.

MASSACHUSETTS.

James O. Hodges, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts.

PENNSYLVANIA.

Arthur M. Roy, to be postmaster at Wellsboro, in the county of Tioga and State of Pennsylvania.

George A. Lukehart, to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 31, 1903.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved. The SPEAKER. The Chair lays before the House a privileged bill.

The Clerk read as follows:

A bill (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.

Be it enacted, etc., That the consent of Congress is hereby granted to St. Croix Falls Wisconsin Improvement Company, a corporation organized under the laws of the State of Wisconsin, and to St. Croix Falls Minnesota Improvement Company, a corporation organized under the laws of the State of

Minnesota, or either of them, their and each of their successors or assigns, to build a dam across the St. Croix River at or near the St. Croix Falls, so called, in said river, and all works incident thereto in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such dam: *And provided further*, That said St. Croix Falls Wisconsin Improvement Company and said St. Croix Falls Minnesota Improvement Company, or either of them, their and each of their successors or assigns shall not deviate from such plans after such approval either before or after the completion of the structure, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That such dam and the appurtenant works shall be so constructed as to permit the free passage of saw logs without unreasonable hindrance and delay.

SEC. 2. That in case any litigation arises from the building of said dam or from the obstruction of said river by said dam or appurtenant works cases may be tried in the proper courts, as now provided for that purpose in the States of Wisconsin and Minnesota, and in the courts of the United States.

SEC. 3. That this act shall be null and void unless the dam herein authorized be completed within five years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13944. An act granting a pension to Margaret Ann West;
H. R. 13127. An act granting a pension to Nancy Works;
H. R. 14836. An act granting a pension to Rebecca L. Chambers;
H. R. 12981. An act granting a pension to Sarah A. Waltrip;
H. R. 12683. An act granting a pension to Sarah L. Bates;
H. R. 11197. An act granting a pension to minor children of Daniel J. Reedy;
H. R. 623. An act granting a pension to Susan Kennedy;
H. R. 14262. An act granting a pension to Harriet Robinson;
H. R. 14837. An act granting a pension to John H. Roberts;
H. R. 4923. An act granting a pension to William L. Whetsell;
H. R. 10350. An act granting a pension to Rebecca Piper;
H. R. 629. An act granting a pension to Caroline Fitzsimmons;
H. H. 14273. An act granting a pension to John H. Whidden;
H. R. 11485. An act granting a pension to Julian McCarthy;
H. R. 9611. An act granting a pension to Maria M. C. Smith;
H. R. 12902. An act granting a pension to Julia Lee;
H. R. 7130. An act granting a pension to Elizabeth Lowden;
H. R. 2783. An act granting a pension to William Dixon;
H. R. 11339. An act granting a pension to Augustus Blount;
H. R. 13233. An act granting a pension to William A. Nelson;
H. R. 15112. An act granting a pension to Matilda A. Marshall;
H. R. 15229. An act granting a pension to James T. Jackson;
H. R. 12324. An act granting a pension to Cora E. Brown;
H. R. 7815. An act granting a pension to Nancy A. Killough;
H. R. 14913. An act granting an increase of pension to Ann M. Morrison;
H. R. 15398. An act granting an increase of pension to Andrew W. Miller;
H. R. 7779. An act granting an increase of pension to William Belk;
H. R. 8175. An act granting an increase of pension to John W. Covey;
H. R. 15433. An act granting an increase of pension to William Heywood;
H. R. 13200. An act granting an increase of pension to Charles B. Greeley;
H. R. 10219. An act granting an increase of pension to J. Banks Hunter;
H. R. 13955. An act granting an increase of pension to Jesse A. McIntosh;
H. R. 10826. An act granting an increase of pension to Josiah S. Fay;
H. R. 5718. An act granting an increase of pension to James M. Blades;
H. R. 11694. An act granting an increase of pension to Dennis F. Andre;
H. R. 12413. An act granting an increase of pension to William Zickerick;
H. R. 7680. An act granting an increase of pension to David C. Yakey;
H. R. 15385. An act granting an increase of pension to Alfred J. Sellers;
H. R. 8721. An act granting an increase of pension to Joseph Westbrook; and
H. R. 14373. An act granting an increase of pension to William H. Loyd.
H. R. 8447. An act granting an increase of pension to John McArthur;

H. R. 15549. An act granting an increase of pension to John Wright;
H. R. 12812. An act granting an increase of pension to Otis T. Hooper;
H. R. 3907. An act granting an increase of pension to John H. Sare;
H. R. 15648. An act granting an increase of pension to Lester H. Salsbury;
H. R. 15441. An act granting an increase of pension to Josiah Stackpole;
H. R. 15069. An act granting an increase of pension to Daniel P. Marshall;
H. R. 10698. An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin;
H. R. 15922. An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes;
H. R. 1592. An act for the relief of F. M. Vowells;
H. J. Res. 216. Joint resolution extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.;
H. R. 5007. An act granting an increase of pension to James W. Messick;
H. R. 8152. An act granting an increase of pension to William S. Hutchinson;
H. R. 12563. An act granting an increase of pension to Horace Fountain;
H. R. 9776. An act granting an increase of pension to Alice A. Fitch;
H. R. 13262. An act granting an increase of pension to James N. Spencer;
H. R. 16011. An act granting an increase of pension to Morton A. Leach;
H. R. 12215. An act granting an increase of pension to Henry M. Posey;
H. R. 10757. An act granting an increase of pension to Lewis Fishbaugh;
H. R. 14265. An act granting an increase of pension to Helen M. Packard;
H. R. 13353. An act granting an increase of pension to George Thompson;
H. R. 3302. An act granting an increase of pension to Henry G. Wheeler;
H. R. 10214. An act granting an increase of pension to Henry Thomas;
H. R. 9734. An act granting an increase of pension to John P. Peterman;
H. R. 7385. An act granting an increase of pension to John Kelly, second;
H. R. 9658. An act granting an increase of pension to Robert Stewart;
H. R. 16224. An act granting an increase of pension to William Montgomery;
H. R. 8247. An act granting an increase of pension to Francis M. McCoy;
H. R. 4437. An act granting an increase of pension to Absalom Case;
H. R. 15874. An act granting an increase of pension to Rebecca R. Greer;
H. R. 15789. An act granting an increase of pension to Benjamin Cooper;
H. R. 11280. An act granting an increase of pension to Henry J. Feltus;
H. R. 12701. An act granting an increase of pension to Milton Noakes;
H. R. 13472. An act granting an increase of pension to Lewis Wilcox;
H. R. 15999. An act granting an increase of pension to William F. Loomis;
H. R. 15113. An act granting an increase of pension to John Murphy;
H. R. 7766. An act granting an increase of pension to John Huffman;
H. R. 13997. An act granting an increase of pension to Lyman A. L. Gilbert;
H. R. 13463. An act granting an increase of pension to Hiram A. Hober;
H. R. 14256. An act granting an increase of pension to Jesse R. Dewstoe;
H. R. 15114. An act granting an increase of pension to Alonzo F. Canfield;
H. R. 1617. An act granting an increase of pension to Margaret A. Osborn;
H. R. 5792. An act granting an increase of pension to Andrew J. Reeves;

H. R. 9153. An act granting an increase of pension to John D. Binford;
 H. R. 13839. An act granting an increase of pension to John W. B. Huntsman;
 H. R. 15063. An act granting an increase of pension to William R. Thompson;
 H. R. 15682. An act granting an increase of pension to Jared P. Hubbard;
 H. R. 14751. An act granting an increase of pension to Regina F. Palmer;
 H. R. 12877. An act granting an increase of pension to James N. Gates;
 H. R. 15729. An act granting an increase of pension to Abner M. Judkins;
 H. R. 15396. An act granting an increase of pension to George H. Stone;
 H. R. 14185. An act granting an increase of pension to Albert Blood; and
 H. R. 15416. An act granting an increase of pension to William Thompson.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13679. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3512. An act fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes; and

S. 6595. An act fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

CARTER B. HARRISON

The SPEAKER also laid before the House the bill (H. R. 11139) granting a pension to Carter B. Harrison, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HEBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

Mr. SWANSON. Mr. Chairman, I now yield fifty minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, it is probably not out of place at this time for some one to call the attention of the country to the comedy in which certain politicians are engaged.

A very serious proposition confronts the Republican party. It is this: How far can it really proceed with antitrust legislation without injuring the trusts? How drastic a bill can it pass which will really be inoperative? How far can it proceed with the attack and yet leave its trust friends uninjured? Is it possible for it to do the Sherman Act over again? Can it fool the people a little while longer?

The provisions of all the bills which Republican ingenuity up to this time has been able to evolve may be summed up under two heads. First, the requirement of publicity in the management of the trusts; second, the inhibition against discrimination in interstate commerce. The first four sections of the substitute offered by the Judiciary Committee require publicity. The fifth, sixth, and seventh sections present the plan of the committee whereby discrimination may be prevented. The eighth, ninth, tenth, and eleventh sections provide machinery by which the law is to be enforced. The trusts do not appear to be alarmed at all at the proposed legislation, and, so far as appears, the legislation stimulates but little hope in the breasts of those who have suffered. In my opinion, Mr. Chairman, the bill is utterly inadequate.

It really looks, Mr. Chairman, as if the substitute bill were drawn to protect the trusts which are now oppressing the people, for upon its very threshold the bill exempts all of these law-breakers from its operation. It provides "that every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter

provided for." I do not believe that the publicity required by this bill will afford any substantial remedy, but it appears that a majority of the committee, for some reason, has left absolutely exempt from the operation of the bill all corporations except those which may be hereafter organized. What have our great law-breakers done that they should be thus favored by the majority of the committee? Why should they be permitted to enjoy this advantage? Why should they be allowed to live in the shadow, while new trusts must live in the sunlight?

A favorite expression of our Republican friends is that there are good trusts and bad trusts. The majority of the committee has evidently observed this distinction. The old trusts are the good trusts. Those that are to be hereafter organized are the bad trusts. The old trusts may operate in the dark; the new trusts must operate in the light.

What will be the effect of this exemption? If your publicity idea amounts to anything, if it is of any real benefit to the people, if its effect shall be to force the trusts to comply with the law, then, in my opinion, it will be a long time before any new trusts are organized. Old charters will be bought in order that the law may be evaded, and it will be many years before any bad trusts will rise up to challenge the supremacy of the good trusts which you are permitting to live in the dark.

But what will your trusts care about your publicity requirement anyway? The good trusts, those that are to sit in darkness, care but little about the publicity of their operations. We know they water their stock. We know that nearly all of them are over-capitalized. Take as an illustration any one of the great trusts of the country. Many people already know—

Its name, date of organization, when and where organized, statutes under which it is organized, and all amendments thereof; if consolidated, the constituent companies, when and where organized, with the same information as to such constituent companies; if reorganized, name of original corporation or corporations, the law under which all reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between them; amount issued and outstanding; amount paid in; how much, if any, paid in cash, and how much, if any, paid in property; if any part in property, the kind, character, and location, its cash market value at the time it was received in payment; the name and address of each officer, manager, agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management of its business.

It would probably not be a very difficult task to procure substantially this information about any of the great corporations of the country engaged in interstate business. Some of the companies themselves do not hesitate to give much of it to the public. Some of the great newspapers of the country, loyal to the interest of the people, have already procured much of the information and have given it to the public. The people have a tolerably correct estimate of the trusts. Perhaps it would be well enough to require all of the trusts, the good and the bad, those who sit in darkness as well as those who are to sit in the light, to furnish such information in a sworn statement to a Government official. But the point I am making is this: The requirement of publicity does not accomplish what both political parties have promised to perform. Publicity does not strike at the root of the evil; it does not strike from the hands of the consumer the shackles which the trusts have put upon him. Everybody knows he is at their mercy. What does the trust care, so long as Congress leaves the consumer in its power? The publicity idea is not a very bright idea. It will not fool anybody. It is a makeshift. It is merely an effort to temporize with a great question, which will be regarded with contempt by the American people.

The anthracite coal strike began on May 14, 1902. It terminated on October 20, 1902, having lasted nearly six months. The miners demanded at first that wages should be increased 20 per cent. This demand was subsequently modified into a request that wages should be increased 10 per cent, and that a ton of coal should consist of 2,240 pounds, and that a man should be appointed by the miners to witness the weighing of the coal. In 1900, I believe, the miners had secured an advance of 10 per cent in their wages, but this slight increase did not cover the increased cost of living. From 1896 until 1902 the cost of living had increased nearly 50 per cent. Republican orators and the Republican press of the country during those years were constantly reminding the people of the unprecedented prosperity which the country was enjoying, and especially the laboring man. He was the especial pet of that party. The great Republican heart beat for him as for no other human being in the universe.

Ah! Mr. Chairman, they wanted his vote. But when the toiler, who spends most of his life in the bowels of the earth shut off from pure air and sunshine, demanded an increase of 10 per cent in his wages, and that 2,240 pounds should be received as a ton of coal, and that his representative should see that he was not cheated in the weighing of the coal, the trusts said "No, this demand is unreasonable. Republican prosperity has not yet reached this point. You must continue to dig, and dig, and dig at the

same wages you received in 1900, and you must continue to dig out a 3,000 ton of coal and my representative, not yours, shall say whether the product of your labor is correctly weighed." Seven great railroad corporations control nearly 70 per cent of the total anthracite coal produced.

Under Republican protection there has been an enormous increase in the value of stocks in these corporations. Republican statesmen have been constantly congratulating the country upon the enormous increase in railroad earnings; but when confronted with the proposition to increase the wages of the miners 10 per cent, these corporations flatly refuse. As a result, 147,000 miners quit work. What then? Cold weather came on and with it great suffering. Anxiety was written upon the faces of the poor in cities and towns all over the country. Even food products were burned in order that life might be sustained. Churches, school-houses, and other public buildings were thrown open in order that the poor might not freeze to death. Even in Washington it was difficult for the Government to procure enough coal to heat its buildings. In Boston and New York coal went to \$25 per ton, in Philadelphia to \$24 per ton, to \$20 per ton in numbers of places. Did anybody suppose that publicity would relieve this situation? Does the Republican party propose to answer this cry of distress with a stereotyped statement showing the officers of these seven corporations, the amount of their cash stock, how much money they paid in and how much property conveyed, the name and address of each officer, and a true and correct copy of their articles of incorporation? Do you gentlemen upon the Republican side think you can satisfy the moral sentiment of this country by any such subterfuge?

In the midst of all this distress what did you do? Did you then dare to say that your publicity law, this iridescent idea of your President, was sufficient? Not at all. But in the midst of it all you adopted a Democratic idea. [Applause on the Democratic side.] You invoked a great Democratic principle when you were forced to repeal the duty of 67 cents per ton upon anthracite coal for one year. You got that suggestion from the Democratic platform of 1900, which I will read: "Tariff laws should be amended by putting the products of trusts upon the free list to prevent monopoly under the plea of protection." Your President had said that there was no duty upon anthracite coal. He found he was mistaken, and with great professions of patriotism, flavored with tears of pity for the distressed, you came in here and admitted that in the extreme exigency of the hour the best you could do was to put coal temporarily upon the free list. Before I conclude I shall return to this subject with some further observations.

Now, what is the second remedy which our Republican friends offer? It is this:

That any person, carrier, lessee, drawer, officer, receiver, agent, or representative of a carrier, subject to the act to regulate commerce, who or which shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities or services in respect to the transportation of any property in interstate or foreign commerce for any common carrier subject to such act whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such carrier, or shall receive any advantage by way of facilities or services, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not less than \$1,000.

Mr. Chairman, this section is terrible in its impotence. Our Republican friends propose to answer the demand of the people of this country for relief by saying to common carriers, "You shall not transport articles of commerce from one State to another at a less rate than you publish." This is indeed a potent requirement. It is creditable to the conscience of the Republican party. This bill does not offer any plan by which these agencies of interstate commerce are prevented from putting up their rates as high as they see fit, but they become guilty of a crime when they haul articles of commerce at a less charge than they themselves have published. In other words, the Republican party says, "You must do what you say you are going to do; if you do not, you shall be subject to a fine of not less than \$1,000." Another subterfuge, Mr. Chairman. No wonder the trusts are serene in their consciousness of perfect safety.

Mr. THAYER. Will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Massachusetts?

Mr. POUL. I do.

Mr. THAYER. You claim, as I understand, that the trusts will not be affected by this legislation if it becomes a law. If that be true, tell me why it is that the great defender and apologist for trusts and combines at the other end of the Capitol has served notice on the country that this bill, impotent as it is, shall never be passed.

Mr. POUL. To whom does the gentleman refer?

Mr. THAYER. To the only one that I know who stands out as the great defender of these trusts and combines, MARK HANNA, of Ohio.

Mr. POUL. Well, Mr. Chairman, it can be easily understood how that gentleman would object to any legislation which might

affect the trusts, because, as I understand it, he has solved the whole problem by saying that there are no trusts. Therefore from his standpoint you can not pass any legislation which will affect the trusts when there are no trusts to affect. Evidently that gentleman thinks that we are engaged in a vain business when we are legislating against something which does not exist.

We then come to the sixth section of this bill. What does that section provide? The pith of that section consists in this: You say that none of the corporations subject to the provisions of this act shall be permitted to sell to one of their customers cheaper than they do to another, if the purpose of such discrimination is to destroy competition. Two things must therefore be established: First, a discrimination in price; second, that such discrimination is for the purpose of destroying competition. Probably it would not be very difficult to establish the first of these propositions, but every lawyer knows how extremely difficult it would be to establish the second.

How are you going to prove the purpose of the corporation? I do not understand our Republican friends to contend that they have the power to say to these corporations "You shall sell as cheaply to one of your customers as you do to another." In order to accomplish the result contemplated by this section it must be shown that the trusts have an unlawful purpose in making the discrimination. I fear that the friends of this bill will find its provisions as utterly impotent as the provisions of the Sherman antitrust law have appeared to be. I honestly believe that the trusts will not be at all disturbed in the flagrant oppressions of which they are guilty, even if the bill is enacted into a law.

The majority report of the committee shows great solicitude for investors in trust stock, but is silent as to the welfare of the millions who are forced to consume the products of the trusts. The person who owns stock in a trust is a part of the trust. The majority of the committee seems anxious to protect him. They feel sure publicity will do this, for even Mr. John D. Rockefeller advises publicity. Actually the majority of the committee have incorporated in their report the suggestion of Mr. John D. Rockefeller, "who," they say, "is understood to be at the head of one of the largest industrial corporations in existence." They say in this report that "even Mr. Rockefeller in effect advised publicity in his statement before the Industrial Commission." Then they quote the evidence of Mr. Dill, "who," they say, "has had very large experience in the organization of corporations, is the author of several works upon corporations and was the attorney organizing the United States Steel Company." (Italics are mine.)

These gentlemen approve publicity. Therefore publicity is efficient. It will correct the evil. This must be so, is the conclusion of the Republican majority of the committee, for Mr. Rockefeller, the head of one great trust, and Mr. Dill, attorney for another, advise it. Publicity is the means whereby the trusts shall be forced to do right, for the trusts themselves say so. This is the logic of the Republican majority of this committee.

Mr. Chairman, the great evil which menaces the happiness of millions in this Republic is not overcapitalization in the formation of trusts, it is not in watered stock, it is not in lack of publicity, it is not in discrimination among customers. Bad as all this is, there is a still worse evil, in the presence of which all this pales into insignificance. It consists in the power of the trusts to control the essentials of life and to fix the prices thereof. The great evil which will involve this country sooner or later in revolution, unless corrected, consists in the power of a single corporation or individual to control the food which human beings must have, the clothing they must wear, the fuel they must burn, the implements they must use, and the prices people must pay for these essentials of life. More than this; it consists in the power of a single corporation to control the market of the great agricultural products of our people, and its ability to fix the price thereof. When this is permitted men are no longer free.

We might as well face the issue squarely now. Sooner or later we will be forced to face it.

Now, by section 6 of this bill you say you have the power to prohibit the "use, either directly or indirectly, of any of the facilities or instrumentalities of interstate commerce" to corporations which shall attempt to monopolize or control production by allowing discrimination in prices, etc., in order to destroy competition. The able lawyers who drew the bill, therefore, admit that, if the public welfare demands it, Congress has the power to prohibit all interstate commerce to those offending against the welfare of the people. The bill is no doubt the product of much constitutional research. The air has been full of rumors, which have not been very strenuously denied, concerning the action of the Chief Executive in requesting one member of the committee to carefully investigate the trust evil. The assistance of the Attorney-General of the United States has been invoked. So we have the right to assume that the provisions of section 6 do not exceed the constitutional power of Congress.

Now, then, if this be true, you have the power to prohibit any

corporation or individual, which or who shall acquire a monopoly of any of the essentials of life, from engaging in interstate commerce. Mr. Chairman, if our Republican friends will add a section including this provision and conferring this power upon some designated agency, it will stimulate some hope in the breasts of the people. It will be some evidence of an earnestness of purpose, and it will tend to contradict the impression that the Republican party is really the friend of the trusts and is simply trifling with this great question.

Mr. Chairman, why not resort to something that is practical? This is a great question, which should be approached with absolute candor and with the utmost sincerity of purpose. Its importance is so great that every statesman in the land should place its consideration far above any party advantage. I shall vote for the pending measure, but I have little hope that any material relief will be accomplished by it. Both political parties have promised the people, in the most emphatic terms, that they would do all in their power to strike from their hands the shackles of monopoly.

We all know that the wage-earner is at the mercy of the trusts. We know that the price of some of the great agricultural products of the country is absolutely fixed by the trusts. We know that, practically speaking, the trust buys at its own price and sells at its own price. No wonder that among the favored few millions are almost as common to-day as thousands were in the early days of the Republic. More than this. We know the trusts are charging the American people for their goods more than they charge foreigners for identically the same goods. We know that they are punishing us for making them rich. And yet we are protecting the trusts from all outside competition. Our folly has been so great that we have put ourselves in their power. Thank God the party to which I belong has done what it could to prevent this, but the Republican party has shut off competition from the outside world, and has said to the trusts and monopolies, "Here are 79,000,000 American people. They are your legitimate prey. Do with them as you see fit. They shall not buy goods from foreigners; they must buy your goods. Put your own price upon them. The prey is yours; do with it as you see fit." What is the logical answer to all this, Mr. Chairman? What does the conscience, the sense of right which God has put in the breast of every man, what answer does it give? It is this: "Remove the protection allowed by law to these great criminals; let them have the world to compete with; let the American buy wherever he can get his goods the cheapest."

If in the course of time the trusts shall monopolize the commerce of the world, humanity may be forced to deal with them in an entirely different manner. Why not remove the protection they enjoy by reducing the tariff upon the articles which they manufacture to that point which will force them to sell as cheaply to the American as to the foreigner? What has the American done that he must thus be punished? What has the foreigner done that he shall be permitted to enjoy this discrimination in his favor? Are not Americans as good as foreigners? Now, Mr. Chairman, if the Republican party found its only remedy in the extreme situation which surrounded us in the coal strike by suspending the duty upon anthracite coal, why will not similar relief be afforded in case the duty is removed or reduced upon other trust articles?

I have a letter from the Secretary of the Treasury in which he informs me that cotton-mill and spinning machinery is dutiable at 45 per cent ad valorem. I also have a letter from one of the leading cotton-mill men of the country, under date of September 13, 1902, from which I will quote the following:

A carding machine can be bought in England from \$375 to \$400. The same machine costs in the United States from \$600 to \$750. Mule spindles cost in England from \$1 to \$1.25 per spindle. They cost in this country from \$1.75 to \$2.25 per spindle. Fly frames are in the same ratio. Ring spindles cost about \$2 in England and about \$3 in this country.

I merely mention this as one instance of discrimination.

My State, Mr. Chairman, is entering upon a great era of manufacturing. The day is not far distant when we will manufacture as much cotton as our State produces. Why permit this discrimination against us? Why allow an injustice to be done us? Why not allow our cotton-mill men to buy their machinery as cheaply as Englishmen? What necessity is there for continuing this 45 per cent tariff which the Secretary of the Treasury says exists? If you pass an antitrust bill which is worth anything nobody knows what the Supreme Court will do with it. That court may discover grave constitutional objections. But in the midst of all this dilemma we know that some relief can be given the consumer by reducing the duty upon trust-protected articles. Let us try this remedy. Republican State conventions have declared for it; common sense teaches it. You admitted it yourselves when you came in here and, in your desperation to do something, suspended the duty on anthracite coal.

The people are waiting, Mr. Chairman. The great rank and file are not blind partisans. They do not worship forever at the

shrine of any political party. They love the flag; they love the country more than they do any political party on earth. [Applause.]

And, after all, political parties are but agencies. They are not masters, but servants. They have no right to dominate the conscience of any man. In perfect sincerity of purpose let us, the servants of the people, in dealing with this great question, attempt to do something practical for our country and for humanity. [Loud applause on the Democratic side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On January 29, 1903:

H. R. 10522. An act to provide for laying a single electric street railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes.

On January 30, 1903:

H. R. 6649. An act for the relief of Julius A. Kaiser;

H. R. 15510. An act to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes;

H. R. 15506. An act to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts;"

H. R. 14839. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year;

H. R. 15066. An act to incorporate the Association of Military Surgeons of the United States;

H. R. 15708. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and

H. J. Res. 16. Joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina.

On January 31, 1903:

H. R. 7664. An act providing for the compulsory attendance of witnesses before registers and receivers of the land office.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HILL. Mr. Chairman, I desire to occupy the time of the House but a very few minutes. When the gentleman from Tennessee [Mr. PATTERSON] was speaking the other day on the question of trusts, I interrupted him with a question. As a general rule I do not believe in that sort of procedure; for I think that a set speech of that kind is in general made by a member of the House for distribution among his constituents, and it hardly seems to be fair to inject a question for the purpose of embarrassing him. I therefore, at the close of the session, went to the gentleman and said that he had my full consent to strike out from the RECORD the portion which I had interjected. He did so, I assume. But I think it is due to myself that I should explain the statement which I made in connection with the question which I put to him.

The principal feature of his remarks to which I objected was the statement that trust-made products were increased in price by levying a duty against articles of like character imported into this country under the protective-tariff system. Having made a little investigation of that question during the last campaign, and having the facts in my possession, I asked him the question with the expectation that he would reply. He objected, however, to my giving my authority for my statement. During the last campaign I received the book which I hold in my hand, which is the Democratic campaign text-book. I examined it with much pleasure, as I do everything of that kind, especially any emanation from the brain of my friend and colleague in the House, the gentleman from Georgia [Mr. GRIGGS], chairman of the Democratic Congressional committee. I found in that book a list of 185 articles the prices of which were given from 1896 down to 1901, all of them claiming to be products of trusts. It occurred to me in the examination of that list that possibly our genial friend from Georgia had "built better than he knew."

So I went to work, and I took from this list which I have here all the articles which were named as being on the free list, and I was surprised to find, in view of the way in which the campaign turned out, that our friend at that time had put in this campaign text-book anthracite coal as being on the free list; so that we had good authority during that campaign for saying that anthracite coal was on the free list, for we found it—and I have it here in the Democratic campaign text-book—on the free list.

I took all the articles that I found, according to this statement which I have here, and which claims to be authoritative. I give this list as I find it on Democratic authority, both as to prices

and duties and as to whether the articles are controlled by trusts. And in what I am saying I want it distinctly understood that I am relying solely on Democratic official authority.

Now, the articles that were on the free list in this list of trust-made products were anthracite coal, stove coal, broken coal, copper, flax, jute, petroleum (crude and refined), petroleum (150° test), rubber, sisal, and binder twine; and I took the prices from 1896 as given there and brought down to 1901, and I found that the average advance during those five years upon all of the free-list articles in the Democratic campaign text-book was 26 per cent, not including coal, for it did not seem to me it would be fair under existing conditions to charge the enormously increased price of coal during the strike to the problem which I wanted to solve, so I left that out; with that in, the advance would have been 74 per cent average on the entire free-list articles cited in the Democratic campaign text-book.

Now, then, I wanted to make a comparison with protected articles the products of trusts, and so I took twice the number of articles entering into daily consumption in the homes and in the construction of the homes of our American people, and the articles so taken were alcohol, brick, Boston crackers, cotton flannels, Rosedale cement, canned fish, gingham, glassware, wire nails, cut nails, fresh beef, salt beef, salt pork, smoked hams. And I want to say right here that it seems to me that it was equally unfair under existing conditions in the provision market to put beef in here; but, desiring to give to our Democratic friends all the advantage possible, I left out coal on the free list and put in beef on the protected list; so that generosity (if it might be so characterized) was shown to our Democratic friends in making this comparison. Continuing the list, I find pig iron, rice, sugar, granulated sugar, Ashton salt, steel rails, and tin plate. I think this is a fair list of articles entering into consumption among the American people; and I made that comparison with the free-list articles as given in the Democratic campaign text-book.

The result was that I found that the products of trusts—the protected products of trusts—compared with the products of factories in this country on the free list showed an average advance of 15½ per cent as against 26 per cent of all the articles placed on the free list in the Democratic campaign text-book. So that it seems to me that a fair and reasonable conclusion that one might reach on Democratic authority, if that authority is good—and I used no other—was that the tariff had cut no figure in increasing the prices of these articles as shown by the Democratic campaign text-book. Now, there is one further conclusion I want to draw from this comparison, and I am citing this now for the information of our Democratic friends on the other side, who I presume have not perhaps as carefully as some others studied their own campaign text-book.

The gentleman from Tennessee [Mr. PATTERSON] the other day cited the great suffering which was inflicted upon the farmers of this country by the tariff upon the products of the United States Steel Company, citing especially wire nails and cut nails. Let me quote from the Democratic campaign text-book. Wire nails in 1896, before the enactment of the Dingley tariff law, according to Democratic authority, were \$3.15 a keg, and in 1901, after five years of the Dingley tariff bill and after the organization and full operation of the United States Steel Company, they were \$3.10, and have since gone down to \$1.85.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, will the gentleman permit a question?

Mr. HILL. Certainly.

Mr. WILLIAM W. KITCHIN. Will the gentleman kindly state what the price of barbed wire was in 1896 and 1897, and what it was in 1901?

Mr. HILL. I think very likely there may have been an advance. According to Democratic authority it was 2½ cents a pound in 1896, and \$3.10 a hundred in 1902.

Mr. WILLIAM W. KITCHIN. Quite an advance.

Mr. HILL. But against the proposition of barbed wire—

Mr. WILLIAM W. KITCHIN. I want to ask the gentleman one more question. I will ask the gentleman if there are not 10 pounds of barbed wire used to every pound of cut nails?

Mr. HILL. I admit that.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit me to ask him another question?

Mr. HILL. Certainly.

Mr. WILLIAM W. KITCHIN. Has the gentleman controverted the facts stated by the gentleman from Tennessee [Mr. PATTERSON] that these great trusts sell their goods abroad more cheaply than they do to Americans?

Mr. HILL. That question was not under consideration at that time.

Mr. WILLIAM W. KITCHIN. But I ask the gentleman now.

Mr. HILL. I am not discussing that question.

Mr. WILLIAM W. KITCHIN. I ask the gentleman if he will not admit that they sell abroad more cheaply than they do here?

Mr. HILL. I am not intending to discuss that question. [Applause and laughter on the Democratic side.]

Mr. WILLIAM W. KITCHIN. It is a fair question, I think, in this discussion.

Mr. HILL. I will answer the gentleman as soon as I reply to the first question which he asked.

Mr. WILLIAM W. KITCHIN. I will ask the gentleman if—

Mr. HILL. The gentleman asked me if barbed wire is not a greater burden upon the farmer than cut nails. I say yes, Mr. Chairman. I say that it is. I am willing to admit that there is an advance in the price of barbed wire; but I say to the gentleman that that is on the protected list and the advantage is on his side; but binder twine is a greater burden to the farmer than barbed wire is.

Mr. WILLIAM W. KITCHIN. Let me ask the gentleman another question.

Mr. HILL. Wait until I get through. Binder twine is a greater burden to the farmer than barbed wire, and I want to refer the gentleman to his own campaign text-book, that binder twine is on the free list.

Mr. WILLIAM W. KITCHIN. But before we leave the products of the steel trust—

Mr. HILL. Wait until I get through. I waited for the gentleman. Binder twine, according to the Democratic authority, in 1896, on the free list, was 6½ cents a pound, and in 1902, still on the free list, was 14½ cents a pound.

Mr. WILLIAM W. KITCHIN. Now, I want to ask the gentleman another question about the products of the steel corporation. The CHAIRMAN. Does the gentleman yield?

Mr. HILL. I do not yield until I have finished the answer to the gentleman's first question.

Mr. WILLIAM W. KITCHIN. He did finish that.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Now, the gentleman first asked me a fair question. I am perfectly willing to admit that the comparison which I have made is on Democratic authority, but when I make that statement I want to say distinctly that in my judgment no logical conclusion can be drawn from statements made either on that side of the House or on this as to the result of the workings of the tariff on prices. Now, the gentleman has asked me a question fairly, whether I do not know that some articles are sold abroad for less than they are sold at home. Yes, I do know it; but I know that there are commercial and business reasons for it, and, on the other hand, I know that there are many articles sold abroad at higher prices than they are sold at home. But there are commercial and business reasons for that, just the same as there are for the other thing which the gentleman has referred to in his question.

Mr. WILLIAM W. KITCHIN. Now, will you permit me to ask you another question?

The CHAIRMAN. The gentleman must address the Chair.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, will the gentleman from Connecticut permit an interruption?

The CHAIRMAN. Does the gentleman from Connecticut yield?

Mr. HILL. Yes.

Mr. WILLIAM W. KITCHIN. I ask the gentleman from Connecticut if he can name half a dozen other articles, except nails, controlled by the steel corporation that have not greatly risen in price from 1896 until now, since the organization of the steel corporation and the trusts that preceded it?

Mr. HILL. Has the gentleman finished his question?

Mr. WILLIAM W. KITCHIN. I have finished that question.

Mr. HILL. I will reply, and state that I have shown that every article on the free list, given by Democratic authority—

Mr. WILLIAM W. KITCHIN. I said controlled by the steel corporation.

Mr. HILL. Without exception, from beginning to end, averaged an advance of 26 per cent in the past five years, while the articles which I have stated, going into daily consumption in the United States during the same period, protected and the products of trusts, average an advance of only 15½ per cent. Now the gentleman can make his own explanation if he sees fit.

Mr. WILLIAM W. KITCHIN. Evidently the gentleman did not understand my question. I did not ask a question about the relative prices—

Mr. HILL. I think the question has been fairly answered.

Mr. WILLIAM W. KITCHIN. I think the gentleman did not understand the question—

The CHAIRMAN. The gentleman from North Carolina is not in order.

Mr. WILLIAM W. KITCHIN. I ask the gentleman from Connecticut to yield to me.

The CHAIRMAN. The gentleman from North Carolina is not in order.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Mississippi?

Mr. HILL. Yes; certainly.

Mr. WILLIAMS of Mississippi. If the gentleman's argument means anything at all, it means that, in his opinion, putting things upon the protected list has a tendency to lower their price?

Mr. HILL. It does not mean any such thing.

Mr. WILLIAMS of Mississippi. Now, I want to ask you this question in candor. I said if the argument meant anything. The gentleman has just said it meant nothing. Now, does the gentleman make the statement, or will he stand for the statement, that putting articles upon the protected list does not tend to raise their prices to the consumer?

Mr. HILL. I will not make the statement, Mr. Chairman, either one way or the other. I distinctly stated in the beginning, in response to the declaration of our friend from Tennessee [Mr. PATTERSON] the other day, as to the suffering which was inflicted upon our farmers by putting a duty upon the trust-manufactured product of wire nails, that it was all imaginary, and that Democratic authority itself showed that during the past five years there had been a reduction of \$1.30 a keg on every keg of wire nails, notwithstanding the Dingley tariff of 50 cents per hundred had been in operation all the time.

Mr. WILLIAMS of Mississippi. Of course, I take it—

Mr. HILL. Now, I will admit to the gentleman from Mississippi, and he knows I will admit, that in many cases the putting on of a tariff increases the price. In many cases it has no effect, and, in my judgment, this was one of the cases. Any general question of that kind can not be answered yes or no. I will state furthermore, in reply to the gentleman who addressed an inquiry to me a moment ago [Mr. WILLIAM W. KITCHIN], that the same general inquiry in regard to goods being sold abroad lower than they are here is entirely fallacious, that there can be no general argument advanced on that proposition. During the last campaign I was speaking in my own town, and when I finished and sat down—I had been discussing that very question—the chairman of the meeting, sitting behind me, said to me, "Mr. Hill, I have to-day received five orders from abroad, one of them \$40,000 in amount." I said to him, "Are you selling those goods at a less price or at a higher price than you sell them at home?" He said, "We are getting a higher price."

Mr. WILLIAMS of Mississippi. Now, will the gentleman let me pursue the inquiry?

Mr. HILL. I simply give that one single fact against the general theory that is advanced in this Democratic campaign text-book.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to pursue the inquiry with another question?

Mr. HILL. Certainly.

Mr. WILLIAMS of Mississippi. From the Republican standpoint is not the object of the passage of a protective tariff bill to raise the price of the goods protected, in order to prevent competition from abroad—

Mr. HILL. I will answer the question of the gentleman.

Mr. WILLIAMS of Mississippi. I have not finished the question—so that from your standpoint American labor may possibly get a higher wage? And if it be true that the tendency of a protective tariff is to give American labor higher wages, must it not necessarily do it by raising the price of the article produced?

Mr. HILL. In answer to the gentleman, I will say that is a theoretical question which would require much more time to consider and answer than I design to take now. I simply introduced these figures based on Democratic authority, and now say to my Democratic friends that in the future in studying their own campaign text-books they may study it more wisely than it seems that they did in getting these figures together.

Mr. WILLIAMS of Mississippi. Only one more question.

Mr. MADDOX. Mr. Chairman, I desire to ask the gentleman a question.

Mr. WILLIAMS of Mississippi. Only one more question.

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Georgia?

Mr. HILL. Certainly.

Mr. MADDOX. I want to ask you this question. You have stated how prices were advanced on articles under protection?

Mr. HILL. Yes.

Mr. MADDOX. Then how can you stand here and claim that prosperity is due to a protective tariff?

Mr. HILL. I have not made any such claim.

Mr. MADDOX. How can your party do it?

Mr. HILL. I am not responsible for anybody else. I have simply gone and isolated a few figures from our Democratic friends' campaign book, in order that possibly I may induce them very quietly at their homes, after Congress adjourns, to study their own campaign text-book which they used during the last campaign. That is the only object I have in taking the floor,

and that is all I intended to do, and all I want to do so far as that is concerned. I have got one other subject on which I want to talk—

Mr. THAYER. I would like to ask the gentleman a question, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HILL. I do.

Mr. THAYER. The gentleman has made a misleading statement in standing here and saying that in 1894 and 1896 nails were worth \$3.15 while in 1902 they were \$2.20. I live in a city where we manufacture nails, and in 1894 and 1896 cut nails were \$1.40, and in 1902 \$2.20.

Mr. HILL. Mr. Chairman, the gentleman states I have made a misleading statement. I cited my authority before I begun—the Democratic campaign text-book. [Loud laughter on the Republican side.] I will refer the gentleman to page 373:

Nails, wire, eight penny, fence, put up in 100 pounds per keg, f. o. b. mills and Pittsburg, duty half a cent a pound, prices controlled by the United States Steel Company, July, 1896, \$3.15; July, 1902, \$2.10.

And if the statement is misleading, I refer the gentleman to JAMES M. GRIGGS, chairman of the Democratic Congressional national campaign committee.

Mr. THAYER. The gentleman had no right, standing on the floor here, to make false representations, when they come from a source he believed not to be reliable.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. HILL. I am not responsible for it.

Mr. THAYER. You are responsible for your sayings here.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. HILL. Mr. Chairman, I am not responsible for the inability of the gentleman from Massachusetts to comprehend the condition of things in general and the conditions as set forth by the Democratic campaign book. [Laughter on the Republican side.] He will have to reconcile them for himself. There is, however, another subject I desire to say a few words concerning. I will make no comment at this time. I shall transgress upon the patience of the House at some future time to refer to it. That is the question of a common ratio of the silver of the world. In my time I ask the Clerk to read an editorial written by, I think, one of the ablest economists of the country, certainly one whom every person will admit is possessed of full knowledge and ability as to the money question—Horace White, of New York.

The Clerk read as follows:

THE NEW SILVER MOVEMENT.

President Roosevelt has asked Congress to give him power to lend the support of the United States to "such measures as will tend to restore and maintain a fixed relationship between the moneys of the gold-standard countries and the silver-using countries." This authority is asked without any suggestion, and apparently without knowledge of the fact, that a large part of our political and diplomatic activity during the past quarter of a century had been directed to that very problem—the problem, namely, how to cause two things to be of equal value when they are of unequal value. This was the underlying question in three international monetary conferences, and also in the Wolcott Commission of 1897.

The resemblance of the latter to the plan now recommended by the President, if we may judge from the accompanying documents, is rather striking. Mr. Wolcott and his colleagues went to England, not expecting to bring about any change in the monetary standard of the United Kingdom, but to induce her to lend India to some experiment for supporting the price of silver. The Salisbury ministry, being little skilled in the subject, and having very imperfect knowledge of the state of public opinion either in India or England, assented to the project, stipulating, however, that the single gold standard should be maintained in the United Kingdom, and stipulating also that both the United States and France should open their mints to the free coinage of silver at the ratio of 15½ to 1. On those conditions Lord Salisbury, in the innocence of his heart and the paucity of his knowledge, agreed to recommend that the government of India should reopen its mints to the free coinage of silver, and that the Bank of England should keep silver in its vaults to the extent of one-fifth of its metallic reserve. When these facts were fully made known there was such an overwhelming protest of public opinion in both England and India against it that Lord Salisbury was obliged to say that he could not go on with the negotiation. It was a mortifying failure.

Yet the Wolcott commission had a much more promising start than any which could be set on foot now to accomplish the like task. That task, as we have said, is to make two unequal things equal to each other. It is so declared in the papers submitted with the President's message. The joint communication of the ministers of Mexico and China presents their wish in these words:

"It is desired that the governments of gold-standard countries having dependencies where silver is used and the governments of silver countries shall cooperate in formulating some plan for establishing a definite relationship between their gold and silver moneys, and shall take proper measures to maintain such relationship."

"Definite relationship between their gold and silver moneys" means holding the values of the two kinds of money at a parity. This may be done by one country for itself alone. Indeed, it is done by the United States at this moment. It is done by limiting the amount of silver money to the needs of retail trade, and compelling its use in such trade by abolishing other money of small denominations. But how this is to be done internationally, that is, by concert of action between a number of countries, we defy anybody to point out. The attempt to accomplish this end in the four or five countries of the Latin Union was a total failure. As soon as a divergence took place between the legal ratio and the market ratio of gold and silver, the cry of *saute qui peut* was raised, and each of the countries concerned made haste to stop the coinage of silver. France limited her coinage secretly in 1873,

openly in 1874, and stopped it altogether in 1876. The other countries were glad to escape in the same way from the agreement they had made to establish "a definite relationship between their gold and silver moneys."

Yet there was a much better opportunity to carry out this scheme in the case of the Latin Union than in the one now mooted in Washington. The Latin Union countries had a common currency at the start. They began with a legal ratio that was coincident with the market ratio. They were adjoining countries, territorially, and they were, in point of intelligence, the equals of any nations in the world. They were not the colonies of any other countries, and hence were not obliged to take their decisions from distant masters, whose action they could not anticipate. How different are the conditions of the peoples which it is now sought to link together in a monetary union. In the first place, the legal ratio which they wish to establish is that of 32 to 1, whereas the market ratio is far different and fluctuating violently. The countries concerned are certainly not of a high range of intelligence, and only one of them can be properly called self-governing. Mexico is self-governing, but China can hardly be called such. The Philippines are governed at Washington, the Straits Settlements at London, and Tonquin at Paris. A monetary union to be made of such a hotch-potch is inconceivable. We have had one foretaste of its difficulties in the disagreement at Washington on the Philippine currency bill of last session and again in the present session. However, if the wise men who have decided to make another silver experiment—a brand new thing never tried before, as they seem to imagine—let them go ahead. It will amount to nothing except the salaries and expenses of the commissioners, which, of course, we are able to pay.

Mr. HILL. Mr. Chairman, I do not desire at this time to make any comment on the article or subject, but in order to save members of the House the trouble of preparing and looking up figures which probably they would desire to examine in the future when this question comes up, as it undoubtedly will this year, I will insert a statement of the world's production of silver since 1896, by years, and also the price of silver, calling attention to the fact that in 1896 the world's production was 157,000,000 ounces, and it has gone up steadily to 1901, last year, the latest statistics available, to 174,000,000, nearly 175,000,000 ounces; that during the same years the price of silver started in 1896 at 67½ cents per ounce, and has gone down until last year it was 52.7 cents an ounce. After asking that these figures be inserted in the RECORD, I leave the subject and return the remainder of my time to the chairman of the committee.

The figures are as follows:

World's production of silver.

	Ounces.
1896	157,061,370
1897	160,421,082
1898	169,055,253
1899	168,337,453
1900	173,581,364
1901	174,988,573

Price per ounce of silver.

	\$.
1896	67.565
1897	60.438
1898	59.010
1899	60.154
1900	62.007
1901	59.595
1902	52.700

SPEAKER PRO TEMPORE.

The committee informally rose, and the Speaker resumed the chair.

The SPEAKER. The Chair desires to announce the appointment of the gentleman from Ohio [Mr. GROSVENOR] to act as Speaker during the ceremonies this afternoon, commencing at 3 o'clock.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to address myself to a bill which I introduced a few days ago, which should be of interest to this House and the entire country.

It is a bill which provides that our postal service shall not be used by what is known as "wild-cat insurance companies."

A "wild-cat insurance company" is described in this bill as being an insurance company, whether life, fire, or marine, which fails to comply with all the laws of the State or Territory of its headquarters or its domicile.

The bill should be amended so as to force them to comply with the laws of the State or Territory where the risk is located when insured.

To be brief, and show you that such concerns are trying to do a so-called, but in fact a fraudulent, insurance business, I give you now, as I have stated heretofore, an example of how they operate. A B will go to New Jersey and get a charter. He will then go to Chicago and rent "desk room" and get him a directory of Nashville or New Orleans, Cincinnati, and all the towns in which he desires to operate, taking care to not operate—insure—in Illinois or New Jersey. He will sit down to his desk and with the most enticing invitation to the people, whose names he will select from the directory, write letters to them promising to give them cheap insurance. The face of the letter shows this is true, the face-value rate, perhaps, being cheaper than it is at the home of the subsequent victim. He will then write in some gilt-edged promises, "quick settlement," etc., in case of fire or death.

So that the laboring people of the country (the people who have no time to read the newspapers or to read the magazines and keep up with the sharpshooters of finance and insurance)

will naturally be induced into insuring with this wild-cat concern. The humble and the ignorant classes are thus reached and victimized as a rule, a class of people whom we should be most watchful to protect and aid.

A B does not comply with the operating laws of New Jersey. He does not comply with the operating laws in Illinois, where he has headquarters—a desk, pen, ink, paper, and city directories as their stock or money in trade. He does not comply with the operating laws of Tennessee, or Kentucky, or Missouri, or of any other State where he insures. He simply gets the charter in New Jersey, goes to Chicago and proceeds, and uses the United States mail as his sale agent to practice his wild-cat scheme on the innocent and unsuspecting.

He dare not operate in New Jersey, because he does not comply with the operating laws there. When the authorities in New Jersey go to him and say, "Are you going to operate here?" he will say, "No, I am going to Chicago; I'll not hurt anyone in New Jersey." And he goes to Chicago. The State officers may come to him in Chicago, and to them he says: "I am not operating in Illinois; I am not insuring anyone here; I am insuring down in Tennessee and Ohio and Kentucky" or wherever he is operating, "and if I hurt anybody I shall hurt the people down in those States." So he pays in no money, creates no trust fund where he is chartered—New Jersey—and he does not comply with any operating law there.

He does exactly the same thing in Illinois; so when a man he insures in Tennessee, Kentucky, or Ohio dies and his widow and children want their insurance money, want the benefit of the hard-earned premiums they have paid, or when the little cabin burns down and they want to be reimbursed, there is nobody to sue in Tennessee, Kentucky, or Ohio, nobody in New Jersey, and if you go to Chicago you find a party to sue—if you find him at all; he proves to be good for nothing. He is all wind and water; no money "paid in;" no assets; no property—a bankrupt to start with in money and morals.

He started out to defraud if not to rob and steal. Certainly he gets the premiums by false pretenses by using the mails, which use and abuse of the mails ought to be prohibited, but the Postmaster-General does not think the law covers such a case.

He is, however, in sympathy with this kind of a bill.

So you see there is no agent anywhere. This one person or concern is the "whole thing," with the United States mail as his only agent by and through which this insurance is procured.

The State officer does not know anything about the transaction until a death or loss occurs, and then the poor fatherless or homeless victim goes to the fire commissioner of the State, who is powerless to act, to ventilate his trouble.

There is no bond filed or local agent, as the laws require, in all the States as a rule. No one to sue. No property if suit is entered.

The States can not reach such a case for the reason that the mail service is exclusively under the control of the Federal Government and not the States.

The insurance commissioner of the State can not interfere with the mails, can not stop the conveying of the mails, nor arrest a party who, if he knows, is delivering a letter from this robber concern to the unfortunate party who is insured, or whose house has been burned down, or husband has died.

Now, this bill provides distinctly that the insurer must comply with the law where his headquarters are or domicile is, and it should be amended, I suggest, so as to require the party to comply with the law of the State or Territory where the property is located or individual resides when insured. This does not interfere with any State law. There is now no State power that can reach the mails, and for this reason the insurance commissioners or actuaries of each of the several States of this Union met in Columbus, Ohio—I think in September last—and passed a resolution which I desire to have read, to show that even these distinguished gentlemen, who are vigorous, earnest, and honest, declare in so many words that because these concerns use the United States mails and have no agents within the State they can not be reached, and they suggest that this is a trouble and evil that Congress should take in hand and cure at once. I ask the Clerk to read the memorial of this convention to Congress. This resolution is forwarded to me by Mr. Folk, insurance commissioner of Tennessee, who is the author of it. There is a memorial to Congress also. Read both.

The Clerk read as follows:

The legislation proposed by this bill is in accordance with the unanimous recommendation of the National Convention of Insurance Commissioners, held at Columbus, Ohio, in September, 1902.

The following is the resolution adopted by this convention:

"Whereas it is known to the insurance departments of the various States that certain concerns styling themselves 'insurance companies,' and purporting to write fire insurance, are operating throughout the country, not only without regard to the insurance laws of the various States in which they seek patronage, but without authority of the insurance department of the States wherein their headquarters are located; and

"Whereas it is the plan of procedure of these so-called insurance companies, in order to evade State laws, to refrain from seeking any business in the State of their headquarters, and in order to evade the laws of other

States to refrain from sending agents into such other States, but to use the mails of the United States to further their unlawful business, thereby avoiding liability to arrest and prosecution; and

"Whereas concerns operating in this manner as a rule are totally irresponsible, their policies being of no value; and

"Whereas the offense in the various States of operating unauthorized insurance is only a misdemeanor and therefore not extraditable, rendering the State where the unauthorized insurance is written powerless to avenge the law where the operation has been transacted through the mails: Therefore, be it

"Resolved by the convention of insurance commissioners, That the committee on unauthorized insurance is hereby directed to draft a memorial to be presented on behalf of this convention to the Postmaster-General of the United States, acquainting him with the conditions and asking him to take cognizance of these matters whereby the United States mails are being used for base and fraudulent purposes and as a means of evading the criminal statutes of the various States.

"Be it further resolved, That the Postmaster-General be requested to deny the use of the mails to these pseudo insurance concerns where they seek to operate through the mails in the States wherein they have not procured license to do business from the proper authorities; or, if the Postmaster-General will not go so far, that he be requested at least to prohibit the mails to any pretending insurance company which is not authorized to do business by the proper insurance authorities of the State in which it has its domicile."

MEMORIAL TO CONGRESS.

The following is the memorial drafted by the convention, petitioning Congress to take cognizance of the situation and grant the desired relief:

To the Congress of the United States, Washington, D. C., greeting:

The national convention of insurance commissioners, now in session at Columbus, Ohio, has the honor to address you for the purpose of respectfully and earnestly directing your attention to a serious condition of affairs which the members of this convention in their various jurisdictions are powerless to remedy, and from which substantial relief can only be obtained through enactment of amendments to the present postal laws.

We respectfully represent that to the best of our knowledge, information, and belief the United States mails are being used for fraudulent and nefarious purposes by certain concerns styling themselves "insurance companies," and seeking by correspondence and advertising matter sent through the mails to obtain money for so-called fire-insurance policies, these policies being in most instances entirely worthless. None of the concerns in question is authorized to transact business by the authority of any State in the Union. They evade the laws of the States of their domicile by writing no business therein, and evade liability to arrest and prosecution in other States by operating entirely through the medium of the mails.

We respectfully urge that Congress will take cognizance of these matters to the end that proper laws may be passed to meet the serious situation.

Respectfully,

NATIONAL INSURANCE COMMISSIONERS' CONVENTION.

Mr. THOMAS of North Carolina. Will the gentleman from Tennessee allow me to call his attention and that of the Committee of the Whole to a letter which I have received from the commissioner of insurance of my State, North Carolina, in which he calls attention to the bill recommended at the recent convention of insurance commissioners of all the States, and asks for that measure the support of myself and other members of our delegation? With the permission of the gentleman from Tennessee I ask that this letter be inserted in the RECORD.

Mr. GAINES of Tennessee. I gladly yield to the gentleman's request.

The letter referred to by Mr. THOMAS of North Carolina is as follows:

INSURANCE DEPARTMENT, STATE OF NORTH CAROLINA,
Raleigh, January 26, 1903.

HON. CHAS. R. THOMAS, M. C.,
Washington, D. C.

DEAR SIR: I trust you will pardon my trespassing upon your time this morning, but I am very anxious to have you and the other members of our delegation to support House bill No. 16880, introduced by Mr. GAINES of Tennessee. The object of this bill is to deny the use of the United States mails to insurance companies not authorized to do business in their home States. These companies are what are known as "wild-cat" or "underground" companies, and the object of the bill is to try to stamp them out.

The bill was adopted by the recent convention of the insurance commissioners of all the States.

Very truly, yours,

JAS. R. YOUNG,
Insurance Commissioner.

Mr. BROMWELL rose.

Mr. GAINES of Tennessee. I yield to the gentleman from Ohio.

Mr. BROMWELL. I wish to inquire of the gentleman from Tennessee whether he has a report from the Postmaster-General to the effect that the Post-Office Department can not under existing law regulate this matter of using the United States mails to further schemes of fraudulent insurance?

Mr. GAINES of Tennessee. I will state to the gentleman that Mr. Folk, who is the author of this resolution, and who prepared the bill which I introduced, spent a week here a short while ago, and we conferred with the Postmaster-General and Mr. Christiancy, counsel for that Department—Mr. Folk conferred several times, I believe. They agreed that the law as it stands is not sufficient; at all events, that there was trouble about enforcing the present law, probably because not broad enough in defining fraud in law; and this bill is drawn along the lines they suggested to Mr. Folk, I dare say. I think, and my information is, this bill has been drawn so as to extend our laws to such a class of insurance business, and under the suggestions made by these officers.

Mr. BROMWELL. In view of the broad power that the Postmaster-General now exercises in regard to fraudulent matter going through the mails, I can not understand on what ground he assumes that he can not regulate and control this matter.

Mr. GAINES of Tennessee. One difficulty I can see is in regard to the definition of this "wild-cat" concern. It is undefined

by law. We should define it. Things now excluded are defined or described.

In this bill we define that term as a concern that does not comply with any law—insurance law—of the State of its headquarters or domicile. There is no law with which these concerns comply. We say in this bill: "If you do not comply with the law of the State where your headquarters are, you are a wild-cat concern, and you shall not use the mails." The bill makes this definition for the Postmaster-General. The wild-cat can not escape, then, by saying: "I intended to pay when I insured him." If he never pays, and complies with the State laws named, he can use the mails unless shown to be a fraud in fact.

Mr. BROMWELL. I am not referring to the question, what is a wild-cat concern nor what a regular concern; but if fraudulent companies are using the mails for the purpose of obtaining money by false pretenses and perpetrating fraud upon the public I can not understand why the Postmaster-General has not authority now to suppress such use of the mails. He does it in the case of fraudulent patent-medicine schemes and all other fraudulent concerns of similar character. He does not come to Congress asking for additional legislation in that matter. I am sure that the use of the mails in connection with fraudulent insurance could be suppressed in the manner indicated without any additional legislation if the Postmaster-General chose to exercise his authority of withholding this fraudulent matter from the mails. Has the gentleman any written statement from the Postmaster-General?

Mr. GAINES of Tennessee. I have not; but I want to say that this bill has been submitted to Mr. Christiancy, the counsel for the Department, by Mr. Folk; and he approves the extension of the law. He said to me in substance that there would be trouble in undertaking to enforce the law as it is—that under the recent decision of the Supreme Court of the United States there would be trouble in enforcing the present statute. This bill is drawn to meet that opinion.

Mr. BROMWELL. Has he made any attempt; has he undertaken to withhold the name of any of these fraudulent concerns and test the question as to his authority?

Mr. GAINES of Tennessee. I am not informed. I do not think he has had any insurance case of this class—those which comply with no law. This bill extends the law so as to cover such cases. This bill makes the noncompliance with the local laws, as stated, a fraud in law, and arms the Postmaster-General with the right to bar such concerns from the use of the mails without further evidence.

I do not think such a class of cases had been presented to the Department until Mr. Folk and myself urged the Postmaster-General to bar these concerns under the present law, but in substance the Postmaster-General stated that he doubted his power to do so without "special evidence of fraud in each case"—fraud in fact. This bill bars these concerns for "noncompliance" with the State laws, as explained, such noncompliance being made a fraud in law without additional evidence showing fraud in fact.

The Postmaster-General declined to act in such cases as these without "special evidence in each case," or a change in the law, as my bill suggests. This class of cases seemed to be new to the Department, and I am satisfied none such have been tried for noncompliance with State laws as explained. Hence this bill.

Mr. BROMWELL. I think that should be done first.

Mr. GAINES of Tennessee. I may add that General Payne, with Attorney-General Christiancy, read me a recent decision of the Supreme Court of the United States passing upon our postal laws which exclude fraudulent businesses from the mail, which decision, being adverse to the Government, intensified the belief of these officials that the Department is without power to exclude these lawless concerns from the mail, without evidence in each case of fraud in fact, even if they had complied with the State laws.

To prove fraud in fact in each case would greatly increase the labors of the Department, but to bar these concerns from the mail for noncompliance with the State laws would be a comparatively easy undertaking. The State officials would gladly cooperate with the Department.

Again, the proof of actual fraud is made, generally, after a fire, death, or loss has occurred and the insured refuses to pay. The insurer might not pay even after he had complied with the State laws. Still to force him to comply fully with the State laws as stated would tend to prevent fraud and encourage honest dealing before and after loss.

I am taking the time of the committee now to explain this bill, because it is very plain and patent that these fraudulent concerns exist. They produce great distress. No one will doubt these two statements. We have the postal appropriation bill under consideration, and I want to see if we can not amend it by inserting briefly the substance of my bill; and as it may be subject to a point of order, I wish to explain fully the merits and righteous purposes of the amendment, so that no one will feel warranted in raising a point of order against it.

Congress will soon adjourn; and I am afraid if we allow this

opportunity to pass, the enactment of this bill into law would be deferred for a year, and maybe longer. The existence of the evil sought to be removed must be confessed. That this kind of a law will cure it is indisputable. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I take it that this is very much or identically the same proposition which the gentleman from Tennessee presented when he had the department of commerce and labor bill up for consideration.

Mr. GAINES of Tennessee. That amendment was a very brief proposition I then offered, covered elaborately by this bill, placing the enforcement of the law in the hands of the Postmaster-General, as I remember it, under the postal power granted the Federal Government. I drew it hurriedly a few moments before I offered it and without this bill being before me. The purpose of both measures was the same.

Mr. MANN. I felt very much interested in the remarks which the gentleman made at that time on the subject, because I saw that the gentleman was endeavoring to reach in one way some gross frauds which our committee had been endeavoring to reach in another way.

Mr. GAINES of Tennessee. And the reason why I differed with the gentleman was this: "That insurance is not commerce," says the Supreme Court of the United States; and I quoted the decisions of the Supreme Court—the Hooper case, from California—to prove that.

Mr. MANN. Well, irrespective of the question, as I stated to the gentleman at that time, I made no claim that insurance was commerce. My claim on that was that nobody knew what the Supreme Court would decide, and I still maintain that. My position in reference to a bureau of insurance was that it would be able to obtain and give out information which would lead to the correction of these abuses. Now, I understand the gentleman proposes to have the Post-Office Department investigate any insurance company to see whether it complies with local laws or not.

Mr. GAINES of Tennessee. Yes; and all insurance concerns that fail to comply with the laws of the State where their headquarters are, or where they do business, are forbidden the use of the mails by my bill.

Mr. MANN. Well, that is a very exhaustive subject for the Post-Office Department to enter into. On the same principle, we might have them investigate every corporation to see whether it complied with local laws or not. Where will you end, I ask the gentleman?

Mr. GAINES of Tennessee. Oh, no. This bill covers only one class of corporations. It will not be a hard job to see if they have complied with the local laws. Under the proposition which he had in his bureau of commerce and labor bill he was trying to regulate, under the interstate commerce grant of power to Congress, something—insurance—by the Federal Government which was not "commerce," and so adjudged by the courts.

Mr. MANN. That is just identically what we were not trying to do.

Mr. GAINES of Tennessee. Now, the gentleman is bound by the opinions of the Supreme Court, I take it. I dislike to be bound by them sometimes, I want to say to the gentleman, and sometimes I refuse. But that tribunal has thus spoken, and I thus acted, and the gentleman knows that I am sincere and honest in what I say.

Mr. MANN. I always believe the gentleman is not only sincere, but that he is bright.

Mr. GAINES of Tennessee. I thank you. With such luster around me, how could I be otherwise? [Laughter.] The gentleman was seeking to do something Congress had no power to do—regulate a business that was not "Federal business"—insurance—by just creating a little bureau to sit up here without teeth or power.

Mr. MANN. Does the gentleman claim that Congress does not have the power in one department of the Government to gather information, but if we transfer it to the Post-Office Department it would have the power?

Mr. GAINES of Tennessee. Exactly. That is what I am trying to explain to the gentleman, if he will permit me a moment.

Mr. MANN. The gentleman misunderstood entirely the provision. We made no claim, in reference to gathering statistics, that we are doing it under the power to regulate commerce. We made no pretense of that in the bureau of corporations.

Mr. GAINES of Tennessee. And having no power under the interstate "commerce" clause to regulate insurance, what right would you have to go down and order Brown and Jones in Tennessee or Illinois to open up their books in Nashville or Chicago and show they were wild-cats or angels without wings? Such a law would be unconstitutional and beyond the power of Congress to pass, but when we come to the power over the post-office and post-roads, it is as broad as the Republic. It covers the whole jurisdiction of the United States, including our colonies—and I

am sorry always to use the word "colonies" in discussing any question pertaining to matters under our flag. This postal power knows no State lines.

Mr. MANN. Does the gentleman claim that the power the Constitution confers upon Congress must be exercised by one specific executive department of the Government, and the same power can not be exercised by another specific department of the Government in which Congress chooses to place it?

Mr. GAINES of Tennessee. I contend that Congress has the exclusive right and complete jurisdiction, regardless of State lines, to control the mails; to say what shall be mail and what shall not be; to say what can go in and what can not go in. But under the interstate-commerce clause Congress has nothing to do with insurance. You can not meddle with insurance, which is a local business—State business and not Federal business. Do you not see that that is the difference between the two bureaus? In other words, one of the bureaus—Bureau of Commerce—knows State lines, and you are obliged to submit to State lines and confine your investigations [to interstate and foreign commerce under that bureau—founded on the commerce clause of the Federal Constitution].

Under the postal clause, Congress has the exclusive right to "establish post-offices and post-roads," and that applies regardless of State lines, so that the Postmaster-General could send a good agent, whom, doubtless, the gentleman from Chicago [Mr. MANN] would select for him, to look after these concerns, with full power to act; and he would send him to Chicago and Nashville, and say to Smith and Jones: "Where is your State license? Have you complied with the law of Tennessee or Illinois?" And if they had not, he would have a right to exclude them from the use of the mails, because there are no State lines or State powers to prevent it.

The Federal jurisdiction is complete in such a case, just the same as where a man breaks open a letter box on the street or commits any depredation against the post-office service "within the jurisdiction of the United States." You have the right under the postal power of the Government to find out who the offender is and to punish him. You can not do that under the interstate-commerce clause.

Mr. MANN. Nobody ever claimed you could, and there was not a line in that provision relating to insurance which had anything to do with that.

Mr. GAINES of Tennessee. Under what grant of power to Congress were you seeking to create that insurance bureau?

Mr. MANN. We could create an insurance bureau under the authority that I have called attention to.

Mr. GAINES of Tennessee. And yet that was a "commerce" bill.

Mr. MANN. Oh, well, it does not purport to be a bill relating solely to commerce. We expressly stated to the gentleman that we made no claim under that section of the bill that insurance was commerce. That is a matter that I claim is not yet decided; but we did not put it upon that ground, at all. I do not wish to take up the time of the gentleman, but the gentleman would not claim, I suppose, that the Attorney-General could not investigate these matters, in order to determine whether the Post-Office Department should exclude a concern from the use of the mails?

Mr. GAINES of Tennessee. Not at all. His power is general in Federal matters. Insurance not being Federal business, hence he could not meddle with it.

Mr. MANN. One of the very purposes of the bureau of insurance was to gather information, so that when this information was presented to Congress, showing the very broad scope of these fraudulent companies, Congress might prohibit their use of the mails.

Mr. GAINES of Tennessee. But you were creating an insurance bureau without any legal powers to compel things to be done. I am satisfied that the gentleman agrees with me that these things should be outlawed.

Mr. MANN. Oh, I agree with the gentleman.

Mr. GAINES of Tennessee. And the gentleman agrees with me that we can do so this way?

Mr. MANN. I did not oppose the gentleman's amendment the other day.

Mr. GAINES of Tennessee. The gentleman will agree with me that we can invoke the Post-Office Department to assist in uprooting these lawless concerns. We can do that under that grant of power.

Mr. MANN. I have no doubt that we can.

Mr. GAINES of Tennessee. Now I hope the gentleman will try to get this committee to do this. The gentleman may go now and write this amendment, if he chooses. Heaven knows I do not care anything about authorship. What I want to do is to help the people, and to outlaw these concerns.

I see there is some new law proposed in this appropriation bill, and I want a little amendment that will get down to the root of this evil, so that the people will be protected as much as possible.

The gentleman knows that the State authorities now are as powerful as they can be in such matters, but this post-office power is not within the jurisdiction of the State authorities, and, therefore, this great convention comes up and states that fact and says: "Now, we ask the Government to get out of partnership with these frauds, to stop them from using the mails," and the Postmaster-General, in substance, does not feel that he has the power now to do it.

Mr. MANN. If the gentleman will pardon me—

Mr. GAINES of Tennessee. Yes.

Mr. MANN. I can conceive a very great difference between having a bureau of the Government which publishes the information that it receives, so that everybody receives fair treatment, and some unknown official in the Post-Office Department, who publishes no information, who makes no report to the public, who does not print the information that he receives, but who passes upon the question who shall use the mails and who shall not.

Mr. GAINES of Tennessee. The difference between the gentleman and myself in this matter, I am glad to see, is not in purpose. We both want to outlaw this fraudulent business, but he would invoke the commerce power of the Federal Government—which does not cover the insurance business—while I desire to invoke the postal power that can cover that business legally and powerfully, and the statutes enacted thereunder I desire to extend to the insurance business.

Mr. Chairman, to show you that the Postmaster-General feels that he can not exclude these concerns for noncompliance with State laws I cite the committee to the fact that the gentleman from Iowa [Mr. HEPBURN] a few days ago, in this Chamber, denounced these concerns as "catamounts," holding aloft, as he stated, "the names of thirty-two in number." I wish he had published the list. They are playing havoc all over the country. Now, if the Postmaster-General was not convinced that he did not have the power, under the present law, he would have excluded these concerns before this from the mails.

Mr. Folk and myself discussed thoroughly with General Payne and Attorney-General Christiancy the necessity for immediate action barring these concerns from the mails, but without effect, save and except they suggested this amendment to the existing law with an appropriation to execute it.

The recent decision of the Supreme Court I referred to a few moments ago intensified their desire for this amendment which they approved. I submit, however, that it should be further elaborated by requiring the insuring party or thing to comply with the laws of the State or Territory wherein the party insured lives or the property insured is situated, so that suits, if necessary, can be immediately brought and into local courts. This would protect the people at both ends of the line.

This bill has been referred to a subcommittee, but the chairman of that committee, the gentleman from Pennsylvania [Mr. BINGHAM], is absent. Learning this, I went to the other two gentlemen who are on that committee, the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Missouri [Mr. COWHERD]. They are both ready to proceed with the consideration of this bill as soon as the chairman returns, which may be some time yet.

But here, now, we have up this Post-Office appropriation bill. We can put a little amendment on here to cover these cases, and nobody ought to object or interpose a point of order.

What is the object of a point of order?

It is to prevent the members from being taken by surprise and provoke full consideration. Nobody could be taken by surprise in this matter after what has been said about these concerns and this bill.

Here is a great appropriation bill carrying out the laws referring to the mails. The Postmaster-General does not think he has power enough, and here is the gentleman from Ohio ready and willing to consider the matter, and so is the gentleman from Missouri; and if this amendment is offered and no point of order made, this law can be made this session, plain and powerful, and the Postmaster-General can soon act.

Mr. BROMWELL. If the gentleman will permit me to interrupt him, I will state that the gentleman is entirely correct in stating that "the gentleman from Ohio" is as much opposed to this wild-cat insurance as the gentleman from Tennessee. The first case I ever had the pleasure of carrying from the police court of Cincinnati to the supreme court of Ohio was a wild-cat insurance case. I won the case all along the line, and the violator of the law was severely punished as a result.

My sympathies are entirely with the proposition of the gentleman from Tennessee; but this is a matter that has come into the Post-Office Committee's hand by a bill offered by the gentleman from Tennessee, which is now in the hands of the subcommittee, of which the gentleman from Pennsylvania [Mr. BINGHAM] is chairman; and I think I can assure the gentleman that as soon as General BINGHAM returns and is able to call that

subcommittee together the bill will receive consideration, and I have no doubt, so far as the subcommittee, and possibly the full committee, are concerned, that it will receive a favorable report.

At the present I would much prefer not to attempt to put it on an appropriation bill. There is some information that the subcommittee itself thinks it would like to get from the Postmaster-General before they unqualifiedly approve this bill. I myself would like to have a statement of the Postmaster-General officially saying that he has not adequate power for him now to enforce the law against these frauds, and I would further like to have an indorsement of the Postmaster-General in writing as to his approval of this particular bill.

Mr. GAINES of Tennessee. I am perfectly willing to have all that, but I do not want this Congress to die without the enactment of this or a similar measure.

Mr. BROMWELL. There is over a month yet before Congress expires.

Mr. GAINES of Tennessee. But, inasmuch as the chairman is absent and has been absent for some time, I do not know how long he may be, and the gentleman says "if" he comes back he will do so and so; but will he give consideration to this bill in time for Congress to act?

I am ready now to go with the gentleman from Ohio or the gentleman from Missouri to the Postmaster-General and have a conference with him regarding this matter. I am ready to do anything proper rather than to let this bill hang on for another twelve months when we know we can give relief here by a small amendment which will give the necessary power to the Postmaster-General.

However, I will abide by the gentleman's suggestion and not offer the amendment, hoping to pass the bill this session.

Mr. Chairman, I want to submit a letter from the actuary of the insurance department of the great State of Missouri. When we had this matter up a few days ago one of my distinguished colleagues from that State [Mr. SHACKLEFORD] objected to the position I took about this matter, and said the State laws were sufficient and that the bill was pure "Federalism." I am invoking Federal power in this bill. It can not be a State power unless you amend the Constitution and give the postal power back to the States. Will the Clerk please read the letter?

The Clerk read as follows:

INSURANCE DEPARTMENT, STATE OF MISSOURI,
City of Jefferson, January 27, 1903.

Hon. JOHN W. GAINES, M. C.,
Washington, D. C.

DEAR SIR: I take this opportunity of expressing my approval of House bill No. 16380, introduced by you on the 19th of January, 1903, providing that certain sections of the statutes of the United States shall be made applicable to insurance companies or organizations not authorized by the State or Territory in which they are organized or domiciled. This is a measure which should receive the support of every member of Congress, as it will materially assist in stamping out a fraud which is practiced, I believe, in every Congressional district in the United States, and one which has become very annoying to the people. I trust the measure will become a law. I have also written a member of Congress from the district in which I live, namely, Hon. W. D. VANDIVER, of the Fourteenth district of Missouri.

Very respectfully, yours,

J. B. REYNOLDS, Actuary.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I desire to insert in the RECORD, with the consent of the committee, in extending my remarks on this question, a list of the fraudulent concerns that have been excluded from the use of the mails under the present law, so as to show the committee what has been excluded—and I take it that everything has been excluded that could have been under the law—and I fail to find any insurance company in the list. If I am correct, there is an active official construction of the law as it is, showing an absence of power.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert with his remarks a list. Is there objection? [After a pause.] The Chair hears none.

The paper referred to is as follows:

FRAUDULENT MATTER IN THE MAILS—INSTRUCTIONS TO POSTMASTERS.

31. It having been made to appear to the Postmaster-General, upon evidence satisfactory to him, that the Honduras National Lottery Co., Paul Conrad, President, and Paul Conrad, at Puerto Cortez, Honduras, Central America; Juarez Beneficiencia Publica Lottery, and M. Carguellos, Inspector of Juarez Beneficiencia Publica Lottery, at City of Mexico, Mexico; Bissell, Platt & Co., at Toronto, Canada; the Mutual Guarantee Co., Francisco Alfaro, President; R. E. Kuchner, Vice-President; Ignacio Burgoa, Second Vice-President; Charles E. Quincy, Secretary and Manager; W. E. Fry, Treasurer, and General E. Gaynor, Actuary, at City of Mexico, Mexico; the Santo Domingo Lottery Co., J. B. Sarson, President, at City of Santo Domingo, Republic of Santo Domingo, are engaged in conducting lotteries or similar enterprises for the distribution of money by lot or chance through the mails, in violation of the act of Congress entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," approved September 13, 1890.

Now, therefore, by authority vested in him by said act, and by the act of Congress entitled "An act for the suppression of lottery traffic through international and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," approved March 2, 1895, the Postmaster-General hereby forbids you to pay any postal money order drawn to the order of said parties, and you are hereby directed to inform the remitter of any such postal money order that payment thereof has been forbidden, and that the amount thereof will be returned upon the presentation

of a duplicate money order applied for and obtained under the regulations of the Department.

And you are hereby instructed to return all letters, whether registered or not, and other mail matter which shall arrive at your office directed to the said parties to the postmasters at the offices at which they were originally mailed, to be delivered to the senders thereof with the word "Fraudulent" plainly written or stamped upon the outside of such letters or matter. *Provided, however*, That where there is nothing to indicate who are the senders of letters not registered or other matter, you are directed in that case to send such letters and matter to the Dead Letter Office with the word "Fraudulent" plainly written or stamped thereon, to be disposed of as other dead matter under the laws and regulations applicable thereto.

FOREIGN LOTTERY COMPANIES AGAINST WHICH ORDERS SIMILAR TO THE ABOVE HAVE BEEN ISSUED.

The International Patentees' Agency, at London, England.
 Loteria Mexicana de la Beneficencia Publica, L. D. Ladish, president; Francisco B. Espinosa, interventor; Tropical Fruit Company, Box 174; Huasteca Cooperative Land, Coffee, and Fruit Company, Apt. 174, at San Luis Potosi, Mexico.

Hamburger Staats-Lotterie (Hamburg State Lottery), Wilhelm Schulze, haupt-collector (William Schulze, principal collector), at Neustrelitz, Germany.

Mexican American Coffee Culture Company; Mexican Marble Company; A. Sagastegui, C. Davila, boxes 174 and 184, at San Luis Potosi, Mexico.

H. Wallace, D. Estrada, and C. Leopoldo, at San Luis Potosi, Mexico.

S. Melendez, L. C. Sigismundo, and A. Diaz, at San Luis Potosi, Mexico.

J. Zavala, L. S. Clement, and A. Galindo, at San Luis Potosi, Mexico.

L. E. Kiefer, box 174, alias L. E. Keifer, at San Luis Potosi, Mexico.

U. Bassetti, at City of Mexico, Mexico.

National Society of Sculpture, J. E. Clement, manager; secretary, box 1025, at Montreal, Canada.

Albert Jarmulowsky, Schan Schwencke and Schwerdfeger, at Schwerin, in Mecklenburg, Germany.

Neubauer & Rendelmann; National Lottery of the Kingdom of Saxony; Brunswick-Lunenburger National Lottery (Braunschweig-Lunenburgerische Landes-Lotterie), at Neustrelitz, Schwerin, in Mecklenburg, and Berlin, Germany.

Mutual Guarantee Company of Mexico, City of Mexico, Mexico.

H. B. Cocke, at City of Mexico, Mexico.

C. Humme, at Hamburg, Germany.

Valentin & Co., at Hamburg, Germany.

Martin Meyer, jr., & Co., at Hamburg, Germany.

Fox Manufacturing Company, at Toronto, Canada.

Gerhd. R. Hagerfeldt, at Lubeck, Germany.

J. Dammann and the Ducal Brunswick-Lunenburger State Lottery, at Hamburg, Germany.

Otto Forster & Co., Lubeck State Lottery, Hamburg, Germany.

Henri Hirsch, 10 Rue Chauchat, Paris, France.

Albert Gerber and the Royal Hungarian Money Lottery, Budapest, Hungary.

Wilhelm Schulze and the State Lottery Office, Hamburg, Germany.

R. Unger, Eisenach, Germany.

Mercur and the Royal Hungarian Lottery, Budapest, Hungary.

Conrad Lewin, Neustrelitz, Germany.

W. Fodor & Co., Budapest, Hungary.

Lowenherz & Co., Hamburg, Germany.

City of Hamburg Lottery, Chief State Lottery of Hamburg, Lottery of City of Hamburg, Hamburg, Germany.

National Society of Sculpture, Quebec, Canada.

Thimothe Archambault, Quebec, Canada.

Wilhelm Schulze, Hamburg, Germany.

Messrs. Szanto & Co., Budapest, Hungary.

Herman Osterwitz, Dessau, Germany.

Karl Fekete, Budapest, Hungary.

Bernard Leprohen, Montreal, Canada.

Gabor Munk, Budapest, Hungary.

E. Drolet, Quebec, Canada.

Gustav Klüber, Hamburg, Germany.

Dorge Frigyesbankhaza, Budapest, Hungary.

S. Perlberg, Budapest, Hungary.

S. Perlberg and Royal Hungarian Money Lottery, Budapest, Hungary.

J. Garber, Budapest, Hungary.

Bankinghouse Hecht, Budapest, Hungary.

A. Brandon & Co., Amsterdam, Holland.

Max Schlessinger, Mainz, Germany.

Campania de Lotteria de Monterey, Nueva Leon, Mexico.

Ernst Harmson & Co., Lubeckishnen Staats Lotterie, Hamburg, Germany.

The Saxon States Lottery, Chemnitz, Saxony.

Wildemar Hiller, Chemnitz, Saxony.

Herman Hiller, Chemnitz, Saxony.

The Grande Loterie en faveur de l'Eglise Catholique, and P. E. Demers, A. E. D'Artois, and J. A. Decelles, at Farnham, Quebec.

Canadian Royal Art Union and S. T. Dickinson, manager, Montreal, Canada.

H. Thunissen, agent, Hamburg, Germany.

D. M. Goldschmidt, Hamburg, Germany.

Emil Zarncke and the Mecklenburg-Schwerenchen Geldlotterie, Schwerin, Mecklenburg, Germany.

Royal Hungarian Lottery and Emil Veg and Armin Schön, jr., Budapest, Hungary.

Martin Meyer, jr., & Co., Hamburg, Germany.

H. Langenhahn and Great German Money Lottery, Bremen, Germany.

Sachsen-Thüringisch-Anhaltischer Staats Lotterie; M. Lam, Lubeck, Germany.

Credit d'Epargne, Paris, France; Emile Tuchmann.

"Credit General du Canada," Montreal, Canada.

"L. Levesque," Montreal, Canada.

Joseph Vincent, Quebec, Canada.

"Tattersall," care George Adams, Hobart, Tasmania.

Pierre Longtin, Quebec, Canada.

Carl Farbow, Hamburg, Germany.

S. Sarkany and Arnold Martony, Budapest, Hungary.

The National Society of Sculpture and A. W. Blouin, Montreal, Canada.

Loteria Tamaulipeca, Tampico, Tam., Mexico.

J. Kornberg and Hamburg State Lottery, Hamburg, Germany.

Santo Domingo Lottery Company, and the Haytian Lottery Company, Port au Prince, Haiti.

Franco-Bulgarian Bank and Lottery of the town Sofia, Sofia, Bulgaria.

Conrad Lewin, Berlin, Germany.

Nicolaus Jacobi and Herzogl. Landes-Lotterie, Bremen, Germany.

Loteria Nacional (National Lottery), Mexico City, Mexico, and J. Maxe-min, agent, Mazatlan, Sinaloa, Mexico.

The Boer Liberty Lottery and International Boer Union, City of Mexico, Mexico.

E. J. Cohen & Sohn and the Hamburg State Lottery, Hamburg, Germany.

Victor and Rudolph Josephy and Mecklenburg-Schwerinchen Landes-Lotterie, Schwerin, Mecklenburg, Germany.

F. Goldschmidt and Hamburg State Lottery, Hamburg, Germany.

Theodor Klüber and Hamburg City Lottery, Hamburg, Germany.

Emanuel Feyertag and Royal Hungarian Lottery, Budapest, Hungary.

Committee of the Artistic Lottery, Committee of the International and Artistic Lottery, and Au Comité de la Loterie Artistique Internationale, The Hague, Holland.

Pater Barral, Immensee, Switzerland.

Banque Franco-Bulgare, and Monsieur le Directeur de la Banque Franco-Bulgare, Sofia, Bulgaria.

Heinrich Schillephake and Mecklenburg-Schwerin State Lottery, Neustrelitz, Germany.

Karl Kiss & Co., and Banque Karl Kiss & Co., Budapest, Hungary.

Wilhelm Grodhaus and Hessisch-Thuring Staatslotteries, Darmstadt, Hesse.

Windus & Co., Hamburg, Germany.

N. D. Bartels Wwe. Nachf., Bankers, Hamburg, Germany.

Ad. Goldschmidt, Hamburg, Germany.

32. The attention of postmasters and other employees of the postal service is called to section 499, P. L. and R., which prohibits the circulation in the mails of all matter relating to lotteries, or schemes offering prizes dependent upon lot or chance. In cases of doubt, where postmasters have reason to believe that any scheme or advertisement is in violation of the lottery law, they should refer the matter to the Department for instructions.

33. Postmasters must not give opinions as to the construction of the lottery law as applicable to advertisements or schemes submitted to them. All such questions should be referred to the Department.

FOREIGN LOTTERY MATTER.

34. Postmasters and other postal officials are hereby notified that "fraud orders" issued against lottery companies and their officers operating in foreign countries do not cover mail matter originating in foreign countries and simply passing through our territory, but cover mail matter originating in this country only which is addressed to any of the parties named in such orders.

Mr. GAINES of Tennessee. I desire now to discuss the power of Congress to exclude persons and concerns engaged in "wild-cat insurance business" and "trusts" which restrain trade from the use of the mails.

Congress, and not the States, has exclusive control of our postal service. Congress has admitted and excluded what Congress chose to admit or exclude, and this power was by Congress invoked in crushing lotteries, and in the noted case of *In re Rapiet*, Mr. Chief Justice Fuller, for the Supreme Court of the United States, upheld the act of Congress—the antilottery statute. There can be no doubt of its constitutionality, nor of the bill I have introduced extending the provisions of this antilottery statute to wild-cat insurance concerns.

The Supreme Court of the United States, in the case of *Pensacola Telegraph Company against the Western Union Telegraph Company* (96 U. S., pp. 8, 9), said:

Congress has power to regulate commerce with foreign nations and amongst the several States (Const., Art. I, Sec. 8, 3), and to establish post-offices and post-roads (Id., paragraph 7). Since the case of *Gibbons v. Ogden* (9 Wheat, 1), it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress.

Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress because, being national in their operation, they should be under the protecting care of the National Government.

I stop here to call special attention to this language of the court:

Post-offices and post-roads are established to facilitate the transmission of intelligence.

I know of no decision of the Supreme Court of the United States defining a letter to be "commerce." It would seem that a letter is "intelligence" carried in the mail, or out of the mail I may add.

IS MAIL "COMMERCE" OR IS THE POSTAL SERVICE A FACILITY OR INSTRUMENT OF "COMMERCE IN LAW?"

The "commerce" grant of power and the "postal" grant of power to Congress are separate and distinct grants, the first being given to regulate "commerce" among the several States and foreign nations, and the other—the postal grant—to regulate the transmission of "intelligence" by and through the postal service.

This is evidently the distinction drawn by the court in this case, for the court says:

The powers (postal and commerce) thus granted are not confined to the instrumentalities of commerce, or the postal service known or in use when the Constitution was adopted. * * * They were intended for the government of the business to which they relate at all times and under all circumstances.

The court states how these two—"both"—powers were "intended" to be used—their purpose—for the court in the next sentence says:

As they (these two powers) were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that (1) intercourse among the States and (2) the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

IS A LETTER COMMERCE?

It is plain to me that the "commerce" power of Congress was intended and is to be used to regulate what is known as "commerce" and the "postal" power, a separate and distinct grant, is "intended" to be used in the "transmission of intelligence"

by way of letters. Or to put it differently, "commerce" is one thing and "intelligence" is another. Commerce is one thing and mail another.

Of course Congress can and does permit certain small commodities to be sent through the mails, but such articles are "commerce," not "intelligence," not information, not letters.

THE LITTLEFIELD TRUST BILL—DOES IT EXCLUDE TRUSTS FROM THE MAILS?

I have referred to this opinion for the purpose of reminding Congress that the antitrust bill reported to the House a few days ago by the gentleman from Maine [Mr. LITTLEFIELD] omits to use plain language for excluding from the mails (assuming for the present this is the intention of the bill, which I doubt) trusts, combines, monopolies, etc., engaged in the restraint of "interstate" trade. Here is the language of this bill, which provides that these "trusts," etc., in restraint of interstate trade (not State trade) "shall not use the facilities or instrumentalities of interstate commerce."

If this language is "intended" to cover the "postal service" as one of the "facilities or instrumentalities of interstate commerce," I have grave doubts that it succeeds, under the opinion of the Supreme Court just quoted.

Even conceding that it does, or that its author honestly intended this language to cover the postal service and exclude interstate trusts, etc., described in the bill, from the use of the mails, I submit that it is better that we say literally what we mean than use doubtful terms. We can easily do that. We can say the "trust," etc. (described in the bill), "shall not use the mails."

This removes all doubt of the intention of Congress. These words are plain. They are well understood. Why not use plain language? The courts have defined them and Congress has used them heretofore, for similar words are now included in certain of our postal laws.

The courts would not be called on to define these words or explain their meaning.

If the language, "facilities or instrumentalities of interstate commerce" is used, delay follows, litigation ensues; and the courts, already crowded, it is said, must "construe" this language and judicially hold that the postal system is one of our interstate "facilities or instrumentalities," in the face of the fact already shown in the telegraph case referred to, wherein the court said:

Post-offices and post-roads are established to facilitate the transmission of intelligence.

The court in this case treats the "commerce" power and the "postal power" of Congress as separate and distinct powers, the one granted to control interstate and foreign commerce, and the other to control "the transmission of intelligence" by the use of post-offices and post-roads.

WHAT DEMOCRATS AND REPUBLICANS DID IN FIFTY-SIXTH CONGRESS.

In the Fifty-sixth Congress, January 3, 1900, I introduced a bill to regulate trusts. That bill described fully trusts, monopolies, combines, etc., it proposed to regulate. It covered all concerns, including persons who undertook to restrain both State or interstate trade.

This Littlefield bill is confined to interstate trade only.

I discussed my bill thoroughly two or three times in the House. Both Democrats and Republicans thought so well of this plan as one of the ways to regulate trusts—both Democrats and Republicans adopted it. They incorporated this provision in an antitrust bill which passed the House and went to the Senate, where, and as the Democrats prophesied, it received an untimely death and prompt burial by the willing hands of Republican Senatorial pallbearers, ever faithful to their allies—trusts. [Laughter.]

I now ask, if the Republicans mean to exclude trusts from the mails, why abandon the plain language thus adopted by both parties in the last Congress, that these trusts, etc., "shall not use the mails," and adopt the novel, undefined, unused, indefinite, and at least doubtful language of "facilities or instrumentalities of interstate commerce" in lieu.

It is strange that the gentleman from Maine [Mr. LITTLEFIELD], who said much in the last campaign in favor of outlawing trusts, now voluntarily, or under the directions of the President, who said last fall that he (the President) must be taken as being sincerely opposed to trusts—that his "my words must be taken at their face value"—should now use language undefined by the courts and of doubtful meaning if the gentleman from Maine and the President, or either, really mean to say by that language "that the trusts shall not use the mails."

WHY NOT EXCLUDE STATE TRUST TRADE FROM THE MAILS?

Assuming that the words "facilities or instrumentalities of interstate commerce" are broad enough on their face for the court to twist or construe them into meaning or covering our "postal service" and that the trusts, etc., described in the bill could not lawfully use the mails, still trusts, combines, monopolies, etc.,

engaged exclusively in the restraint of "State" trade are not excluded from the mails by this bill, because it applies to "interstate" trust trade and not to State trust trade, that is, trades in restraint of commerce done wholly within the limits of the State.

Whereas if all trusts, etc., in restraint of State and interstate trade were excluded from the use of the mails, the source and the stream of "commerce," State and interstate, would be stripped of State trusts restraining State trade and State trusts or interstate "trusts" restraining interstate or foreign trade.

Why invoke half the power of Congress over our post-roads and mail? Why exclude only trusts engaged in restraint of interstate trade from the mails? Why make half a bite at a whole cherry? The trade, whether State or interstate, begins within the limits of some one of the several States or Territories. There the trust's seed is planted. There it grows. There it spreads like a great banyan tree. There State trust trade begins, and from that trade flows interstate and foreign trade.

Why not, then, broaden this bill so as to exclude all trusts, etc., from the use of the mails when engaged in State trust trade or interstate and foreign trust trade, or all three of them?

The bill which I introduced January 3, 1900, in the Fifty-sixth Congress, and again in the present Congress, December 6, 1902, clearly covers this unfortunate omission in the Littlefield bill now before this Congress, excluding both State and interstate trust trade from the mails.

Mr. Chairman, the distinguished gentleman [Mr. PALMER] who now honors me by listening attentively to my remarks asked yesterday my colleague [Mr. PATTERSON of Tennessee] this question: "Can Congress prohibit interstate commerce?"

I will answer the gentleman with pleasure, and say, Yes, and Congress has done so, and the Supreme Court of the United States, from the days of Chief Justice John Marshall down to the days of Chief Justice Fuller, have held that the power to "regulate interstate and foreign commerce given to Congress is full and complete in Congress," and that Congress, under this power, can "prohibit" trusts, combines, etc., which "directly restrict interstate and foreign commerce."

Mr. Justice Peckham, for the whole court, in the noted Addyston pipe-trust case, uses the word "prohibit" in defining the extent of this power as to interstate trusts, and that word has been frequently employed in defining the extent of the power of Congress to regulate this outlawed "commerce."

The court in this pipe-trust case affirmed the circuit court of appeals in this construction of this power (with a slight alteration of the decree which undertook to enjoin that portion of this pipe-trust business done wholly within the State of Tennessee, the headquarters of this concern).

The court confined, in other words, the operation of the anti-trust act of June 2, 1890, to the prohibition of all contracts and combinations in direct restraint of interstate and foreign commerce, and distinctly held that this act provides that such concerns are "prohibited" and can be and were prohibited legally by Congress under this act.

The opinion of the circuit court of appeals was rendered by the full court—Justices Taft, of Ohio; Lurton, of Tennessee, and Sevens, of Michigan—Mr. Justice Taft speaking for the court.

In reading these two opinions and the cases they cite, you will immediately see that Congress has the power under this commerce law to regulate, even to the extent of prohibiting, both interstate and foreign commerce, and hence we are forced to the conclusion that Congress can "prohibit" both.

Indeed, Congress has prohibited both, and begun at an early date; so did the several States before the Constitution.

I cited a number of such Congressional statutes in my speech in the House June 2, 1900, and reviewed all the authorities, or many of them, on the subject, two of which I have already cited, and I would feel honored if the distinguished gentleman [Mr. PALMER] would scan that speech, easily found here in the House library (RECORD, vol. 33, appendix, 1st sess. 56th Cong., p. 688). I will insert this particular portion of this speech in extending my remarks, as follows:

1. The Wilson tariff law of 1894 prohibited the importation of convict-made goods in these words:

"That all goods, wares, articles, merchandise, manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited," etc.

This prohibitory provision was carried into and is now a part of the Dingley tariff law. So, in recent legislation both the advocates of the Wilson tariff law—the Democrats—as well as of the Dingley tariff law—the Republicans—under its commerce power has the right to prohibit foreign commerce, and, as I will show later on, interstate commerce, too.

2. The old laws prohibiting commerce with France and England, known as the embargo acts, were held constitutional as a proper exercise of the commerce power of Congress. They were generally approved and discussed in the *Clark v. Field* case (143 U. S.), where the McKinley tariff law was brought into question. Mr. Cooley, on the Principles of the Constitution, citing cases at page 70, says the embargo acts were a "constitutional" exercise of our commerce powers, and adds:

"The power that controls commerce from the very nature of things includes the power to restrict and limit—to prohibit as to certain things and to

suspend altogether when, for the time, it seems wise. It is a sovereign power and knows no limit."

Again:

"The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations." (Brown v. Houston, 114 U. S., 622; Crutcher v. Kentucky, 141 U. S., 47.)

3. Congress has prohibited commerce with the Indian tribes even within the limits of a State and all manner of trade with them except by persons duly commissioned (act August 15, 1876), and has empowered the President to prohibit the introduction of certain articles of commerce into Indian Territory (United States Revised Statutes, 2132). Congress has prohibited the exportation of cattle from Indian Territory for trade (United States Revised Statutes, 2133) and the sale of liquors to Indians (Ib., 2139).

These laws have all been held constitutional, and the power is unquestionable.

Chief Justice Taney, in the celebrated License cases (5 Howard, 504), enunciates the same doctrine:

"Congress under its general power to regulate commerce with foreign nations may prescribe what articles of merchandise shall be admitted and what excluded, and may, therefore, admit or not, as it shall seem best, the importation of ardent spirits."

And in the United States v. Forty-three Gallons of Whisky, etc. (93 United States, 183), it was likewise held that—

"Congress under its constitutional power to regulate commerce with the Indian tribes may not only prohibit the unlicensed introduction and sale of spirituous liquors in the Indian country, but extend such prohibition to territory in proximity to that occupied by the Indians."

In United States v. Holiday (3 Wallace, 407) it was held that—

"The circuit courts of the United States have jurisdiction of the selling of ardent spirits to an Indian under the act of February 12, 1862.

"By that act Congress made it penal to sell spirituous liquors to an Indian under the charge of an Indian agent, although it was sold outside of any Indian reservation and within the limits of a State. The act is constitutional under the power to regulate commerce with the Indian tribes."

We have seen from the cases above cited, based, as all our commerce law in question is, on the leading case of Gibbons v. Ogden (9 Wheaton), that the power to regulate interstate commerce is as complete as the power to regulate international commerce, and we see that Congress has the power, and has exercised it constitutionally, to actually prohibit international commerce.

Then why should Congress hesitate to prohibit interstate trust commerce? It clearly has the power and undertook to exercise it in the antitrust act of 1890.

In the recent Pipe case (175 U. S.) Justice Peckham, for the whole court, says:

"The reasons which may have caused the framers of the Constitution to reposit the power to regulate interstate commerce in Congress do not, however, affect or limit the extent of the power itself.

"In Gibbons v. Ogden (supra) the power was declared to be complete in itself and to acknowledge no limitations other than are prescribed by the Constitution.

"Under this grant of power to Congress, that body, in our judgment, may enact such legislation as may declare void and prohibit the performance of any contracts between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. (And when we speak of interstate we also include in our meaning foreign commerce.) We do not assent to the correctness of the proposition that the constitutional guaranty of liberty to the individual to enter into private contracts limits the power of Congress and prevents it from legislating upon the subjects of contracts of the class mentioned.

"The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete in Congress, and there is no limitation in the grant of the power which excludes private contracts of the nature in question from the jurisdiction of that body. Nor is any such limitation contained in that other clause of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law.

"The provision in the Constitution does not, as we believe, exclude Congress from legislating with regard to contracts of the above nature while in the exercise of its constitutional rights to regulate commerce among the States. On the contrary, we think the provision regarding the liberty of the citizen is, to some extent, limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact law prohibiting the citizen from entering into those private contracts which directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally regulate to a greater or less degree commerce among the States.

"We can not so enlarge the scope of the language of the Constitution regarding the liberty of the citizen as to hold that it includes or that it was intended to include a right to make a contract which in fact restrained and regulated interstate commerce, notwithstanding Congress, proceeding under the constitutional provision giving to it the power to regulate that commerce had prohibited such contracts."

We then see here, from the latest utterance, that Congress did "prohibit" interstate-commerce trust combines, and that such a provision does not trench upon that liberty of the citizen the Constitution guarantees. In the other two leading cases, The United States v. Joint Traffic Association (171 U. S., 505) and the Missouri transportation case (133 U. S.), the court holds that Congress has the power to prohibit interstate trust commerce which is interstate commerce.

4. Congress has prohibited the importation of adulterated or unwholesome food or drugs and other things injurious to health (acts August 30, 1890, March 2, 1897) and the importation and exportation of diseased cattle (act August 30, 1890), and interstate commerce in diseased live stock (act May 23, 1894), and the exportation of slaughtered meat (act March 3, 1891).

5. Congress has prohibited the immigration of idiots, insane persons, criminals, polygamists, and Chinese (acts March 3, 1891, March 3, 1894, August 3, 1882, March 3, 1875). See the authorities touching upon these various acts and the power of Congress to enforce them in Desty's Federal Constitution, and Prentiss and Egan on the commerce clause of the Federal Constitution, page 337, etc.

6. Only a few days ago Congress passed what is known as the Lacey bird bill, prohibiting the sale and transmission of birds killed in a State prohibiting their killing to another State, which, as the author of the bill, the gentleman from Iowa [Mr. Lacey], admitted in his speech was based upon the right of Congress to prohibit interstate commerce.

7. Congress a few days ago passed a bill allowing the States to prohibit the introduction of convict-made goods in the several States that may refuse their admission.

8. In 1888, May 22 (RECORD, vol. 92, p. 4533), the House, by vote of 185 to 44, passed a bill prohibiting convict-made goods from being shipped from one State to another. Our most notable Republicans and Democrats in that

Congress supported that measure—Mr. Speaker HENDERSON, President McKinley, Representatives GROW, Grout, HOPKINS, CANNON, DALZELL, Brown of Ohio, Dingley, Senator BURROWS, Senator Gear, Senator LODGE, Senator MASON, and many leading Democrats.

Now, in the face of the action of Congress here shown for over a hundred years in prohibiting—not simply regulating, but prohibiting—international and interstate commerce, can any fair-minded man, halfway patriotic, longer dispute that Congress has the power to prohibit interstate and international commerce? For a hundred years Congress has enacted such legislation, and the court has uniformly upheld such laws.

Why, then, should Congress not prohibit interstate trust commerce?

At an early day we passed embargo acts, by which we prohibited foreign commerce and held up commercial ship lines. They were held valid laws under the commerce grant of Congress to "regulate" commerce. Mr. Cooley cites some of the courts who upheld these laws, although the opponents of the laws claimed the power to "regulate" did not include or extend to the "annihilation" of commerce. But in a case from Massachusetts, decided in 1808 or 1809, the Federal court declared the power went that far, but the embargo act did not annihilate "all commerce." Annihilation was unnecessary even as a war measure.

ANNIHILATION IS A QUESTION OF POLICY AND NOT POWER.

In the construction of the McKinley tariff law, the Supreme Court of the United States, in the case of Field v. Clark (143 U. S. Rept.), referred to these embargo and other prohibitory acts approvingly, going to show what Congress had done and could do legally under this power to regulate commerce.

We prohibited the importation of convict-made goods under the Wilson tariff law.

We prohibited the transportation of diseased cattle through the States.

We prohibited the importation of diseased goods.

We prohibited the importation of certain undesirable foreigners.

We prohibited the transmission of liquors to the Indians.

We prohibited the use of interstate freight trains without certain car couplers—to preserve life.

We recently prohibited the shipment of game from States prohibiting its killing and shipment—the Lacey law.

All of these acts, or many of them, I referred to briefly in my speech of June 2, 1900.

There can be no question about the "extent" of the power of Congress to regulate interstate and foreign commerce, and if we stand by the opinions of the Supreme Court of the United States we can go so far as to "prohibit" such commerce. Whether we should prohibit honest commerce is a question of policy and not of power under these decisions.

But we see the court of last resort has already decided, time and again, that Congress can "prohibit" and that Congress has legally "prohibited objectionable" interstate and foreign commerce, and that is the question. That is the issue, plus the enforcement of the law as it is and as amended. This is as far as we need to go to remedy this evil.

"TRUSTS" ARE OUTLAWS.

I denounce, along with this court and the great mass of the people of the United States, all trusts, monopolies, corporations, or other concerns which, or persons who directly restrain State, interstate, or foreign commerce.

Such business is outlawed by the wish and for the welfare of the people and for the preservation of the purposes of the Government, which purposes are to encourage and protect each and every individual within the jurisdiction of this Republic in his inalienable right of preserving his life, maintaining his happiness, his liberty, and protecting the high and the low from lawlessly harming each other.

Monopolies are outlawed by the common law, which has been defined as "the collected wisdom of ages."

Mr. Justice Jackson, of Tennessee, soon after the enactment of the antitrust act of 1890, declared that law to be the common law broadened in some parts, and I believe Judge Taft thus spoke in delivering the opinion in the Pipe case.

Monopolies are outlawed by the common law and the statute law of nearly all if not quite all of the States and organized Territories of the United States, including even Alaska.

They have no right to exist, in law or morals. They are contrary to both. They cheat, in whole or in part, God's creatures out of their own personal chance to live and make a living in the easiest moral and legal way they can.

I believe in self-ownership and its preservation, personal independence, and rectitude of purpose, respecting always conscientiously and from a moral standpoint the smallest right that is the right of another.

The trouble about monopolies is they protect their own rights, if they have any, and absorb, grab, or destroy the rights of others, which is contrary to good morals, and hence contrary to the common law and our antitrust statutes and a healthy public policy.

Mr. PALMER. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Will the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. GAINES of Tennessee. Yes.

Mr. PALMER. If it were necessary, in order to destroy the trusts, to destroy all commerce, would you do it?

Mr. GAINES of Tennessee. That question is one in the extreme. That is unnecessary. It in effect assumes or states that "trusts" are "all commerce," which I deny. "Trusts" are not legal or moral "commerce." "Commerce" is moral business and not immoral business. "Commerce" is legal business and not illegal business. Trusts in restraint of commerce are immoral, illegal, and contrary to the common law of the land, the State laws, and the Federal laws on trusts, to the spirit of our institutions, are in derogation to the rights of the people, contrary to the purposes of the Government, and therefore fly in the face of a healthy public policy and hence should be and are therefore outlawed, always have been, and such "commerce," if you denominate "trusts" "commerce," should be absolutely destroyed.

And it is begging the question for the gentleman to assume that we must destroy "all" commerce to strip honest commerce, if you please, of immoral and illegal commerce—trusts—assuming for argument that trusts are "commerce."

Limbs are often amputated to save the body, but because a patient now and then dies as a result of such act it is no use to stop cutting limbs off.

Again, the gentleman assumes that all commerce is represented by the trusts or trusts are all commerce.

This is a confession (1) that there are trusts, and (2) which "Congress" can "destroy"—a concession that trusts exist, and a further concession that trusts are in a majority, and, although an evil because in the majority trusts must survive and honest commerce remain oppressed, the people starved, and money getting and money holding put above the man who makes honest commerce.

It may be true that there are more sinners than saints in a given community; that the devil is in the majority; and if so, I take the stand with the minority and insist on whipping him out. We have done so on many occasions and protected society.

I agree with my friend that there are many trusts and that they may control "all commerce," and I am reminded by the question he has asked me of a stanza which as a schoolboy I was required to parse:

Wherever God's people erect a house of prayer,
The devil always builds a chapel there;
And 'twill be found, upon examination,
The latter has the largest congregation.

God's people and the Democrats, gentlemen, I dare say, built "the house of prayer." The Republicans and the trust the "chapel."

And from the manner in which the Republicans are administering the antitrust laws of this country, the way in which your Attorney-General is executing them, or rather not executing them, and the way in which the President is allowing him to execute them, or rather not execute them, there is a larger congregation of trusts—the offspring of Republicanism—in this country controlling the welfare of this people, stifling honest trade, honest commerce, and honest people than ever existed before in the history of this country. [Applause on the Democratic side.]

ANTITRUST ACT OF JUNE 21, 1890, DRASTIC.

And it is not because the law is not drastic and powerful. It is entirely inoffensive unless the Attorney-General first acts, and executes, and makes it offensive. It became law without a dissenting vote in the House or Senate. Not a single vote against it on its passage. Both parties supported it.

BOTH PARTIES DOUBTED ITS CONSTITUTIONALITY IN 1890.

Both parties doubted its constitutionality then, but said, "We will leave that to the court," notably Mr. Kerr, of Iowa, a Republican.

The court of last resort in powerful opinions has held it entirely constitutional and paid tribute to the lawmakers who framed it. And I want to say to my good friend from Pennsylvania [Mr. PALMER], whose friendship and society I always enjoy, that wherever this act of 1890 has been applied to an "interstate" trust combine that combine has been crushed out of existence.

FIRST CASE UNDER ACT JUNE 2, 1890.

The first case arose in Tennessee between a coal association of Nashville and a coal company of Kentucky, known as the Jellico coal case, reprinted in 46th Tennessee Reports. A preliminary injunction was refused by Judge Hammond, a Republican, inasmuch as the statute, as he said, was new and the Government was not required under it to give bond! So, to that extent, that a "temporary" injunction was refused is true, as stated by Attorney-General Knox in one of his recent publications; but the distinguished Attorney-General should have gone further and said on final hearing, had in three or four months after the bill

was filed, a "permanent injunction" was granted and this coal trust crushed; or, to use the language of the gentleman from Pennsylvania, this coal trust was "destroyed." Yet the honest coal business survived and is thriving in Kentucky and Tennessee, and coal is selling there to-day at \$3.50 to \$3.75 a ton—and why? The laws are enforced. Our antitrust statutes are enforced. The people are on top.

Let me add just here that the permanent injunction was granted in this Jellico case after due deliberation, but promptly, by the late lamented Judge David M. Key, an old Confederate soldier, and that the distinguished and able United States district attorney who had charge of the case at Nashville was the Hon. John Rhum, an old Federal soldier, who fought another kind of a battle in and about Nashville over forty years ago.

Here the old Confederate and Federal soldier met and, as usual, drew blood—not from the people, but from the trusts.

Mr. Chairman, if the present laws were enforced relief would follow, I believe, the act of June 2, 1890, and an antitrust act incorporated in the Wilson tariff law and continued by the present Dingley tariff law being our two antitrust acts.

Not a single suit has been filed under the latter law of which I have ever heard, and I have industriously investigated the books and records to see. Not a case can I find. Why is this? Have we not ship trusts, international tobacco trusts, and other trusts nominated in the public press and undisputed? Why this non-action?

PUBLICITY SHORT OF THE EVIL TO BE CURED.

I agree to your publicity proposition, but I want more. Publicity falls short of the mark; but, oh heavens and earth! How much more "publicity" do you want than the "publicity" we have had to show, for instance, the outrageous lawlessness practiced in Pennsylvania to-day, and that, too, in defiance of laws of that State, which prohibit the combination of coal companies and railroads that have produced the awful conditions of that old State?

Why, sir, the Interstate Commerce Commission, in its last report, "advance sheets," page 53, say that "The Lehigh Valley Coal Company is a corporation owned by the Lehigh Railroad Company," and I may add and charge this railroad owns and operates this coal company in the face of the constitution of Pennsylvania, which says that "railroads shall not own or operate, directly or indirectly, coal mines in" that State.

The Interstate Commerce Commission incorporates in its report the opinion of Judge McPherson, of the circuit court of the United States for the eastern division of Pennsylvania, delivered more than a year ago, January 4, 1902, and is reported in 112 Federal Reporter, 487, in the case of Lehigh Valley Railroad Company against Rainey and others.

Rainey sued this "railroad" in the State court for discriminating, in hauling coal, in favor of the Lehigh Valley Coal Company, but it was transferred to the State court.

The Federal court dismissed the suit, the court finding that there was only a "paper of theoretical discrimination," no actual discrimination or damage done Rainey, because the railroad had not hauled any coal "except for its own engines" between the points wherein Rainey alleged discrimination.

But in the course of the opinion the court, in alluding to the coal actually hauled between the two points for the use of the railroad's own engines, said:

This coal was mined by the Lehigh Valley Coal Company, which was clearly proved to be the Lehigh Valley Railroad Company. The identity of interest between the two corporations was so plain that it seemed idle to question it, so far as its practical effect upon the matter at issue was concerned, although, of course, the court did not intend to treat as nonexistent for all purposes the legal distinction between the two separate corporate entities. But dealing with real things and not with mere shows, it was clear to my mind that (for the purposes of the case before me) the coal company was mining as the scarcely veiled hand of the railroad company, and therefore that it made no difference at all what rate of freight was formally charged by the railroad company for hauling the coal. In essence, the railroad company mined, carried, and burned its own coal; and, under such circumstances, I still think it was correct to say that a charge for freight would be little more than a bookkeeping entry.

In other words, this railroad (1) owns its own coal mines, (2) digs its own coal for its own use and the public, (3) loads its own coal on its own cars, (4) hauls it at its own real or "paper" fixed rate of transportation, (5) hauls this coal on its own road into Eastern and Atlantic States, fixes its own selling price, an item being probably its "paper" rate for hauling, and (6) sells this coal to a freezing people at from \$10 to \$14 and \$20, through some agent skulking around the streets of New York and Boston robbing an unoffending people.

Mr. Chairman, I will read the constitution of Pennsylvania, which prohibits railroads from owning or operating coal mines, directly or indirectly; yet you see they are now doing so.

This constitution reads thus:

202. No incorporated company, doing the business of a common carrier, shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly

or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufacturing on its railroad or canal, not exceeding 50 miles in length.

* 203. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

I dare say that this provision of this constitution was suggested by the noted opinion in the Morris Coal Company case by Judge Agnew of the Pennsylvania supreme court, where that great jurist under the common law broke up a combination of six coal companies in that State in 1871 or 1872—somewhere about that time. But the courts are silent in Pennsylvania now, on trusts and monopolies, as the tomb.

Now, gentlemen, here is "publicity" of both fact and law; but chaos, trusts, and insurrection abide and abound in Pennsylvania. Here are the facts found by the Federal court over a year ago, that this railroad company owned and operated these coal mines, and here is the constitution which says they shall not do either. And yet it is being done in defiance of all law and order.

This railroad is an "interstate instrumentality," and is hauling, beyond question, its coal through and out of Pennsylvania into States along the Atlantic coast in open defiance of the antitrust act of June 2, 1890, which clearly applies here, because it is an undisputed fact that this railroad is in a combination with four or five other railroads, and that they all own coal mines in Pennsylvania, operate them, haul the coal therefrom, fix their own rates of transportation, and sell this coal in other States by and through their agents, and at a rate that is arbitrary and prohibitory, so high is the price.

Yet neither the laws of Pennsylvania nor of the United States are being enforced against this unholy combination. The governor and State officials of Pennsylvania know of these lawless acts, yet they act not to prevent or destroy them or these combinations, but rather encourage them.

No one can tell me that Mr. Knox, the Attorney-General of the United States, who was born, reared, and lives in Pennsylvania, is not familiar with these facts, including the decision of Judge McPherson. It is unnatural and unreasonable to ask me or the American people to believe that he has not turned a deaf ear to these open charges, to these published facts, to these combinations. On the contrary, it is patent that he has closed his eyes to the situation, and that he is deaf to appeals to him to enforce our antitrust laws.

All "publicity" possible has been given in these matters through the press and by parties who swear to the truth of these charges and have regularly filed them with the Attorney-General, Mr. Knox. Yet this "publicity" has not relieved the situation nor induced or forced the Attorney-General to act.

Here is a letter of Mr. Hearst, of the New York Journal, and a copy of the petition and other documents which he has filed with the Attorney-General, Mr. Knox, showing the combination formed by these several railroads—six, I believe—to control the coal output of Pennsylvania in quantity, cost of transportation into other States, and the price for digging, hauling, and selling.

I hope my distinguished friend from Pennsylvania [Mr. PALMER] will read these documents, or permit me to read them to him. They are to be found in the CONGRESSIONAL RECORD of January 16, 1903, page 882. The gentleman will remember also that I had read here to the House an open letter addressed to the President from Mr. Hearst again briefly and succinctly challenging his attention to these combinations, and the failure of Attorney-General Knox to enforce the law. He appealed to the President to obey his oaths to see that the laws of the United States Government are faithfully executed.

The case against these combinations in the shape of a petition prepared and sworn to by Mr. Hearst have been on file before the distinguished Attorney-General, Mr. Knox, and therefore the President of the United States, since the 4th of last October, and not a single suit has been filed by way of injunction or indictment.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. GAINES of Tennessee. Certainly.

Mr. PALMER. Of these railroads of which the gentleman speaks, if he will permit me, I will say that all except one were incorporated before the adoption of the constitution of 1873, and all of them owned their coal lands, and had the right to own them before that constitution was adopted, and neither the constitution of the State of Pennsylvania nor any other law could take that right away from them or violate the provisions of their charters, or the sanctity of the contracts under which they are doing business.

Mr. GAINES of Tennessee. Has not Pennsylvania some antitrust laws? Laws against combinations?

Mr. PALMER. What if we have?

Mr. GAINES of Tennessee. Have you?

Mr. PALMER. What has that to do with it?

Mr. GAINES of Tennessee. I want to be informed.

Mr. PALMER. The gentleman is complaining because the Attorney-General of the United States does not do an impossible thing.

Mr. GAINES of Tennessee. Have you any antitrust laws in Pennsylvania?

Mr. PALMER. Suppose we have?

Mr. GAINES of Tennessee. I suppose you have, as the gentleman does not admit the fact. Why does not your attorney-general and your governor enforce the law against these trusts and break up this railroad combination under your antitrust laws?

Mr. PALMER. There is no railroad combination and there is no infringement of the law, so far as I know.

Mr. GAINES of Tennessee. With all due deference to my friend's statement, here is the oath of Mr. Hearst, sworn to time and again, published time and again, and in it he shows this combination, and that the papers are filed with the Attorney-General of the United States, and have been since last October. Mr. Hearst states that the Attorney-General referred them to Mr. Burnett, United States attorney for the southern district of New York, and that not one thing has been done in this matter down to the present time.

Mr. Hearst goes on further and says that the people tried to form an independent railroad up there, with which to haul the coal from certain mines. Yet these big railroads combined and bought the lands away from them before they got the railroad, and then gobbled up the independent railroad in embryo—I believe it was the Wyoming Railroad or the Wyoming mine—so that the people in Pennsylvania and the East are again in the clutches of these five or six railroad combines.

Why, Mr. Chairman, it is just a plain case where "publicity" does not punish or make officers execute the law.

I do not know when the constitution of the State of Pennsylvania was adopted; but admitting that it is a fact that the railroads of which the gentleman speaks were incorporated before the constitution was made, is it not a fact—and a notorious fact—that this "combination" exists and has been organized in late years, and every day commits new wrongs, crimes, and misdemeanors?

Is it not a notorious fact, Mr. Chairman, that this is against the law—the act of June 2, 1890, and the interstate act? Yet nothing is done to enforce them by State or national officers. Mr. Hearst has given all the "publicity" of actual combination in Federal commerce anybody in the world wants who desires to enforce the law. He has sworn to his petition; he has filed affidavits with it, and he has supported it by certified copies of the combination, I am informed. Here it is all in the RECORD. You see the whole statement for yourselves.

I can not take my time nor the further indulgence of the committee to read this Hearst document. It is published with the petition and affidavits, etc. The gentleman will find this very interesting reading matter in this RECORD. It is perfectly plain, however, that he shows a combination of railroads to control the Pennsylvania coal output, and that the combination is in restraint of Federal commerce.

Only a few days ago the distinguished gentleman from Ohio, General GROSVENOR, brought in a resolution—and I hope my friend now will pay particular attention to what I say—and that resolution went on to say that whereas "it is apparent" there is a "conspiracy to put up the price of coal," etc., and we immediately passed the resolution and appointed the committee to go hence and see about it. This must have been in restraint of Federal commerce. "It is apparent!" How did it become any more "apparent" to him than it did to the Attorney-General with all this information before him? What now has the Attorney-General done?

Mr. PALMER. Oh, it is very cheap and easy to say in a resolution that it is "apparent."

Mr. GAINES of Tennessee. I took the gentleman from Ohio at his word when he spoke thus seriously, just as I do the gentleman who is now addressing me, and so did the House when we heard this resolution read.

Mr. PALMER. The committee has been to Boston?

Mr. GAINES of Tennessee. They have.

Mr. PALMER. And they have investigated?

Mr. GAINES of Tennessee. They have.

Mr. PALMER. And they have not been able to find any combination.

Mr. GAINES of Tennessee. Oh, but I do not read the Boston papers in that way. One of the gentlemen of this committee—I do not know who it was—said "that many a man had been hanged on less testimony" than they received up there showing this railroad and coal conspiracy. This the Boston paper stated.

Mr. PALMER. Oh, well, men have been hanged without any testimony at all.

Mr. GAINES of Tennessee. I do not know whether it was a Democrat or a Republican, Mr. Chairman, who thus spoke of the evidence educed, but the fact remains that one of the members of the committee, as one or two Republican papers of Boston stated, said that "men have been hanged on less testimony than that which they have found," showing the very thing which Mr. Hearst swears to as true is true; that is, that these railroads in Pennsylvania are in a conspiracy not only to own all the coal lands, but to dig all the coal and haul it all and sell it all, and at their prices. That is what he charges. That is what he swears to, and that is what the Attorney-General has had in his hands since the 4th of October, 1902. But what has the Attorney-General done? What is he—the Attorney-General—doing in this matter? Nothing we can see or hear.

And yet, Mr. Chairman, here we are junketing a committee all around the country to find out what Mr. Hearst has already "found" out through his great enterprise; because of his great love of country, his great love of the people. Why, I understand he was elected by many thousands to Congress in his district, a close district. That shows how close he is to the people. They have confidence in him, and the testimony that we have from this investigating committee corroborates what he has charged for the past four months, when the Attorney-General of the United States turned a deaf ear to it, who stands palsied and refuses to enforce the antitrust law of 1890, while the people of this country are freezing for the lack of coal.

Why, I have just been notified that immense cargoes of coal are coming into this country from foreign countries! You gentlemen said free coal would give no relief! Don't you know that you built your tariff to shut out coal? Didn't you? Didn't you succeed? Anthracite coal was on the free list in the Wilson tariff law, and in 1896 importations rose to 146,000 tons under that law, while in 1901, under the Dingley law, there was only one ton—a single ton—of anthracite imported.

Mr. PALMER. Mr. Chairman, coal was on the free list under the Dingley law.

Mr. GAINES of Tennessee. Oh, no.

Mr. PALMER. Oh, yes.

Mr. GAINES of Tennessee. I will show you about that.

Mr. PALMER. What was the tariff on coal under the Wilson bill?

Mr. GAINES of Tennessee. Anthracite was free of duty under the Wilson tariff, and I have a letter of December 5, 1902, from our statistician, Mr. O. P. Austin, stating that fact.

Mr. PALMER. I am informed that the duty in the Wilson bill was 40 cents a ton.

Mr. GAINES of Tennessee. Not on anthracite coal. It was free. But 40 cents is less than 67 cents a ton, the rate of the present tariff law.

Mr. MINOR. I would say to the gentleman from Tennessee that if 67 cents is a steal, then 40 cents is a steal just the same.

Mr. GAINES of Tennessee. I disagree with the gentleman, at least to this extent: 40 cents, if that was the rate, was a revenue rate levied to run the Government, while the rate of 67 cents was a rate so high that it prohibits the importation of coal and was not levied for revenue only, but for revenue, protection per se, and reciprocity added, to force reciprocal arrangements which have never been made.

Anthracite coal, however, under the Wilson tariff act was on the free list in the fact and in law, and our coal importations rose from a few tons to about 146,000 tons in 1896, while under the Dingley tariff importations continued to fall until in 1901 there was one single, solitary ton imported, and that came from the Dominion of Canada.

I have found, Mr. Chairman, Mr. O. P. Austin's letter to me of December 5, in which he says: "No anthracite coal was subject to duty under the Wilson act." I have not time to read the whole letter; I will print it in my remarks.

Under the Dingley act anthracite coal was placed literally on the free list in one part of the bill, way over near the end—paragraph 523—over a hundred paragraphs from paragraph 415, where someone, by an adroit use of language and with great knowledge of coal, succeeded in making anthracite dutiable.

Mr. PALMER. Oh, no.

Mr. GAINES of Tennessee. I am going to prove to the gentleman that I am right, as usual. [Applause.] Wait a minute. I have here a copy of the present tariff law—the act of 1897. Here is the ostensible "free list" on page 55, and under the heading "free list" there appears the following:

Paragraph 523. Coal, anthracite, not specially provided for in this act, and coal stores of American vessels, but none shall be unloaded.

Now, then, over a hundred paragraphs before paragraph 523, paragraph 415 reads:

Coal, bituminous, and all coals containing less than 92 per cent fixed car-

bon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel. Coal, slack or culm, such as will pass through a half-inch screen, 15 cents per ton of 28 bushels, 80 pounds to the bushel.

Now, gentlemen, bear in mind this fact: That there is practically no coal outside of the United States (and Mr. Austin says none inside of the United States) which has as much as 92 per cent of fixed carbon in it, and you can readily see the two sections combined operate to tax anthracite coal imported, because coal "with less" than 92 is taxable at 67 cents per ton.

Hence it was that Mr. Moody, late a member of this House, and now our distinguished Secretary of the Navy, denounced the duty on anthracite as having been placed in the Dingley tariff act "in a cowardly and sneaking way."

Paragraph 415 levies a duty of 67 cents if the anthracite contains "less" than 92 per cent fixed carbon, and as there is practically no anthracite coal in existence in foreign countries containing 92 per cent of fixed carbon, hence the great bulk of foreign anthracite coal must contain "less" than 92 per cent, and hence if brought to the United States must pay this duty of 67 cents per ton. In other words, there being no foreign anthracite coal having as much as 92 per cent fixed carbon, it must necessarily have "less" than 92 per cent fixed carbon, if it has any, and if it has "less," under paragraph 415 of the Dingley tariff act, it must pay 67 cents per ton, but if it has as much as 92 per cent fixed carbon, under paragraph 523, it is duty free.

Mr. Austin in this letter to me states that the anthracite coal in the United States ranges from 80 to 87 per cent fixed carbon, and further shows that there are a few Welsh coal mines producing anthracite containing 92 per cent fixed carbon, but I am satisfied that the customs officers would, in practice, hold as dutiable even this coal, which barely contains 92 per cent and a little over of fixed carbon, and I am informed that the customs officers did so hold and tax the little anthracite that was imported previous to our coal famine, but that Mr. Secretary Shaw, to relieve the coal situation in the East, nullified this anthracite tariff and let the coal in free.

Mr. PALMER. Mr. Chairman—

The CHAIRMAN. Will the gentleman yield to the gentleman from Pennsylvania?

Mr. GAINES of Tennessee. So that by the law saying that coal shall be free in paragraph 523, and saying in another paragraph, 415, that it shall pay a duty if it contains "less" than 92 per cent fixed carbon, when there is no such coal in existence, practically makes anthracite coal necessarily dutiable.

Mr. PALMER. If the gentleman will come up to my country, I will show him a good many thousand acres of land containing coal that has over 92 per cent of fixed carbon.

Mr. GAINES of Tennessee. I want to say to the gentleman that Mr. Austin says that the Geological Survey reports that the anthracite coal in the United States has less than 92 per cent of fixed carbon in it and that it "ranges between 80 and 87 per cent."

Mr. PALMER. You are mistaken about that.

Mr. GAINES of Tennessee. Here are the words of Mr. Austin: "According to the office of the Geological Survey, the fixed carbon contained in anthracite coal ranges from 80.87 to 87.98 per cent." That is my authority. If there is any mistake, then there are two Department public officials publishing the mistakes. Now, I want to ask my friend if he voted for the bill taking the tariff off coal the other day?

Mr. PALMER. Suppose I did; what does that have to do with it?

Mr. GAINES of Tennessee. Did you do that? I would like to know if you did that one good act?

Mr. PALMER. If I did, what would that have to do with it?

Mr. GAINES of Tennessee. Ah, there is a multum of talk and a parvum of do with the Republicans on this subject against trusts. [Laughter and applause.]

There is a great amount of palaver all over the country about the trusts. Your President last fall begged the American people to take his words at their "face value," but when he comes back to the White House, Mr. Hearst loads him and his Attorney-General, Mr. Knox, down with proof of a whole lot of interstate trusts and combines controlling coal; they both sit by with arms akimbo, in front of warm fires made of trust-dug coal, trust-hauled coal, trust-owned coal, trust-sold coal—all paid for by the people's money—while the people are freezing on the outside, pointing to those who are guilty of this criminal denial of coal, and yet the President and his Attorney-General refuse to prosecute their oppressors when they have the power and it is their duty to do so.

But more; even after the President had told Congress, what we all really knew, that free anthracite coal would relieve the "coal crisis," weeks and weeks passed before coal was relieved of a robber tax, and then, when the people were freezing here in Washington and elsewhere, the Republicans reluctantly abated the tax for a year only, at the same time saying "that this law

would give no relief, that no coal would come here with the duty on or off."

But, thank Heaven, ship loads of foreign coal are daily coming to our shores and relieving the people. The Democratic party and the Lord are on the people's side, as usual.

Mr. PALMER. The gentleman asked me a while ago if I voted for the bill taking the duty off coal. I guess I did. I always vote with the gentleman from Tennessee when he votes right, which is seldom.

Mr. GAINES of Tennessee. I am glad you did. That which is right is done on your side of the House, but it is not often. But even in this case the Republicans were whipped into action by the demands of the Democrats who represented the appealing masses on the outside and not until then.

I am very glad that my friend has confessed that he voted for this measure, even though he had to guess at what he did. I want to preserve in the RECORD, as without alcoholic effect, anything which the Republicans here in Congress do for the good of the whole country. I do not have the chance often.

Now, does the gentleman state that we can find anthracite coal in his country showing 92 per cent fixed carbon?

Mr. PALMER. Yes; more.

Mr. GAINES of Tennessee. Do you mean to say that there is anthracite coal outside of this country, in any amount, having 92 per cent fixed carbon in it?

Mr. PALMER. In Luzerne County, Pa., it shows more, and that county is in the United States, as I understand it.

Mr. GAINES of Tennessee. Outside of the United States, I asked. I want to get the gentleman to where the trouble is. We did not prohibit anything in Pennsylvania. I wish the Democrats could. The trouble is up there that we can not prohibit anything bad. [Laughter.] I wish we could, because it would make you a good people and keep you out of a constant state of revolution up there. [Laughter and applause.] My question was with reference to coal outside of the United States having 92 per cent fixed carbon, and not coal in Pennsylvania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I had just reached Wales in my argument [laughter], and I really want now to get to print with my remarks these letters which I have here, showing the per cent of carbon in Welsh coal and in our coal.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent—

Mr. GAINES of Tennessee. I would like to have five minutes just to finish this matter.

Mr. PALMER. I hope the gentleman will be allowed to finish his interesting discussion, and I ask unanimous consent that he may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Tennessee may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Chairman, here is a letter, including others, dated December 5, 1902, addressed to me by O. P. Austin, chief of the Bureau of Statistics, and I want to read it for the information of the gentleman, and insert the inclosure in the RECORD:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, December 5, 1902.

Hon. J. W. GAINES,
1325 G street NW., Washington, D. C.

SIR: Since writing the letter to the Journal Company, Crawfordsville, Ind., a copy of which is inclosed, I have ascertained the following information with respect to per cent of carbon contained in certain classes of South Wales anthracite coal:

Analyses of South Wales anthracite coal.

District.	Per cent of carbon.	District.	Per cent of carbon.
Neath Abbey.....	91.08	Gwendraeth in Caer-	
Swansea.....	89.60	marthenshire.....	92.17
Ystalyfera.....	92.46	Caermarthen:	
Cwm Neath.....	93.12	Pontycaes.....	91.16
Brass vein of the Cwm		Big Vein.....	88.70
Cynfell colliery in Gla-		Pembroke.....	92.17
morganshire.....	91.44		
Bonville Court in Pem-			
broke-shire.....	94.18		

H. W. Hughes's Text-book of Coal Mining, 1896, reports South Wales coal near Swansea 92.56 per cent, and other South Wales coal generally, 90.39 per cent carbon.

According to the office of the Geological Survey, the fixed carbon contained in American anthracite coal ranges from 80.87 to 87.98 per cent.

Very respectfully,

O. P. AUSTIN, Chief of Bureau.

MEMORANDUM.

During the four months ending with October last, the anthracite coal free of duty imported was 18,236 tons; value, \$85,634. The imports of anthracite

coal decided to be subject to duty during the same period were 81,703 tons; value, \$135,970.

The rate of duty collected is 67 cents per ton, the same as on bituminous coal, if not slack or culm such as will pass through a half-inch screen. On the latter the duty is 15 cents per ton. I am unable at present to state just how much duty has been collected during the four months indicated, but it is probable that it can be figured that on most of the dutiable 67 cents per ton has been collected.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, October 22, 1902.

The JOURNAL COMPANY,
Crawfordsville, Ind.

SIRS: In response to your favor of the 16th instant to the Secretary of the Treasury, referred to this office, with respect to imported coal, I have to reply as follows:

The Wilson tariff act went into effect August 28, 1894, and the Dingley tariff act July 24, 1897.^a During this period covered by the two acts, as nearly as the fiscal year corresponds to it, the imports of anthracite coal for consumption, returned to this Bureau by collectors of customs, were as follows:

Anthracite coal.

Year ending June 30—	Tons.	Value.
UNDER WILSON ACT.		
1895.....	80,215	\$204,627
1896.....	149,629	345,964
1897.....	86,880	202,923
UNDER DINGLEY ACT.		
1898.....	5,866	14,804
1899.....	601	2,686
1900.....	142	628
1901.....	1	6
1902.....	311	2,006

No anthracite coal was subject to duty under the Wilson Act, and collectors have returned none as subject to duty under the Dingley Act, except a few tons during the current fiscal year not shown above.

I am unable to inform you how much foreign anthracite coal contains more than 92 per cent of fixed carbon, nor am I able to inform you to what extent the tariff benefits the coal trust, nor why the clause with respect to the percentage of carbon, which makes anthracite coal dutiable, was inserted in the Dingley law.

It will be impossible to state whether the Welsh coal, mentioned in your letter as on the way to this country now, will have to pay duty until it has been appraised at the ports into which it may be imported.

The first importation of dutiable anthracite coal reported by collectors to this Bureau was during the month of September last. The amount was very small.

Very respectfully,

J. N. WHITNEY,
Acting Chief of Bureau.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS,
Washington, December 5, 1902.

Hon. J. W. GAINES, M. C.,
House of Representatives, Washington, D. C.

SIR: I hope you will pardon the delay in sending you the matter which I yesterday promised should reach you before noon to-day. A slight delay occurred by reason of the fact that some new matter regarding the percentage of carbon contained in certain South Wales anthracite coal had just become available, and you will find it in the accompanying statement.

I am sorry that I am unable to give you the importations of anthracite coal by months prior to July, 1897. I now recall that I found, on taking charge of the Bureau in May, 1897, that anthracite coal was not stated separately in the monthly publications of the Bureau, but only in its annual publications, and I gave instructions that beginning with the fiscal year then just at hand anthracite should be separately stated in each month as well as annually. Our printed reports, therefore, only state the total importation of anthracite annually down to July, 1897, and monthly as well as annually since that date. I therefore give you a table showing the monthly figures, beginning with July, 1897, and a page from one of our printed volumes giving the annual figures as far back as 1892.

Very respectfully,

O. P. AUSTIN,
Chief of Bureau.

Imports of anthracite coal into the United States from June 1, 1897, to December 31, 1898, by months.

Months. ^b	Tons.	Value.
1897.		
July.....	3,043	\$7,523
August.....	45	243
September.....	16	83
October.....	133	689
November.....	15	45
December.....	29	137
Six months ended December 31.....	3,281	8,720
1898.		
January.....	2,528	5,808
February.....	27	127
March.....		
April.....	15	74
May.....		
June.....		
July.....		

^a Anthracite coal free under Wilson Act.

^b No monthly record of imports of anthracite coal prior to July, 1897.

Imports of anthracite coal into the United States, etc.—Continued.

Months.	Tons.	Value.
1898.		
August.....		
September.....	515	\$2,341
October.....	53	210
November.....		
December.....	11	49
Twelve months ended December 31.....	3,149	8,609

O. P. AUSTIN, Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
December 5, 1902.

Mr. Chairman, the impartial eye, at a mere glance at the letter of Mr. Austin and the exhibits to it, can see that for all practical purposes there is no anthracite coal in the United States, or outside of the United States, which contains 92 per cent of fixed carbon, and that the customs office, as I stated, would resolve all doubts against the foreign anthracite coal from Wales, and did do so last summer, and exclude it.

You can also see that whoever drew these two coal paragraphs, Nos. 415 and 523, knew all about coal, the carbon in it, and what he was doing.

He knew that there was practically no coal that could come up to the standard of 92 per cent of carbon, and that if the latter was so drawn as to tax it if it contained "less" than 92 per cent, practically all anthracite would pay 67 cents tax per ton.

This legislative operation was skillful. It takes a skilled surgeon to cut a limb off without the loss of blood. A butcher means to draw blood and lose it. You do not hear the sharp knife of the surgeon splitting flesh, but you do hear the blow of the butcher with a broadax. So it was unknown at the time the Dingley law was being framed, to many members of Congress at least, that this tax was imposed.

Its repeal a few days ago is a confession that anthracite coal was not on the "free list" and was dutiable.

FREE LIST TO KILL TRUSTS.

Mr. Chairman, a few words more and I am done. It is contended by my friend from Pennsylvania and many other Representatives, at least those members in favor of the trusts and combines, that in destroying the trusts you destroy "commerce." I maintain, in destroying the trusts you destroy dishonest commerce and leave honest commerce to prosper as it did before the days of trusts and combines, the outgrowth of protective tariff and the nonenforcement of our antitrust laws.

When General Garfield, a distinguished Republican and once a member of this House, and still later elected President of the United States, wanted to crush the salt monopoly, he said, put salt on the free list. A monopoly, he said, was making salt in New York and selling it in Canada—just across Lake Ontario—a dollar a ton less than the same salt was being sold to the people in New York and the United States. He said that they transported it from the United States to Canada, paying the cost of transportation, insurance, license, wharfage, all the expenses, and then sold the salt at less than they did to our own people. He denounced, and properly, such commerce, such an immoral and un-American and unjust act.

He was not alone in this denunciation, for by his side stood a distinguished Representative from the State of Maine, at that time a Representative in this House, Mr. HALE, now Senator HALE. He, too, denounced this salt monopoly in no uncertain terms, indeed, in the most vigorous language, and insisted that salt be put on the free list.

Here is no mean authority to cite in favor of the position the Democrats take to prevent trusts and combines from being formed hereafter and to destroy unlawful commerce that now exists in the United States.

But I now cite my friend from Pennsylvania and the committee to a most notable example of where a monopoly was crushed and thereafter the legitimate business of making quinine continued. You will remember when quinine was selling at \$5 and \$10 an ounce that a distinguished Kentuckian, Mr. McKenzie, a Democrat, said "put quinine on the free list." It was done. The quinine monopoly was crushed, but the legitimate quinine business continued and prospered, and does to-day, and the people all over this country can now buy quinine for half—yes, at 25 and 50 cents an ounce. We have a legitimate, honest, prosperous quinine business, and not the illegitimate, dishonest, prosperous quinine monopoly denying the people this most valuable medicine.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I thank the committee for the great courtesy they have extended. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SPERRY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12316. An act granting an increase of pension to Weden O'Neal;

H. R. 8650. An act for the relief of the estate of Leander C. McLelland, deceased;

H. R. 9360. An act for the improvement and care of Confederate Mound, in Oakwoods Cemetery, Chicago, Ill., and making an appropriation therefor;

H. R. 8238. An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes; and

H. R. 288. An act for relief of the Christian Church of Henderson, Ky.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES McMILLAN, late a Senator from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect at the conclusion of these exercises the Senate adjourn.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11858. An act for the relief of William E. Anderson.

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 342. An act for the relief of the heirs of Aaron Van Camp and Virginus P. Chapin.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6973. An act authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, Title III, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WILLIAMS of Mississippi. Mr. Chairman, during the last campaign we heard a great deal about Republican prosperity caused by the Republican tariff, which, in its turn, had caused an increase of price for American manufactured goods, thereby enabling the American manufacturer to pay to American labor a high wage if he wanted to. I believe I make a fair statement of the contention on the stump by Republican campaign orators during that contest, and perhaps by the gentleman from Connecticut [Mr. HILL] himself.

It was therefore with much wonder and astonishment and some degree of sympathy that I heard the gentleman from Connecticut this morning demolish the entire theory upon which his party had won the last fight. The gentleman from Connecticut [Mr. HILL] was either trying to say something, or he was trying to say nothing. He was either trying to pick flaws in the mere accuracy in details of figures and classification in a Democratic campaign book, or else he was taking them as true and building up an argument upon them.

The former horn of the dilemma I shall not consider, because I know the gentleman's frankness too well to think him capable of mere carping. I shall therefore take it for granted that he meant something, and if he meant anything at all, in producing words and figures, he meant to produce them fairly, and he meant them to mean what he said they meant, and that was this:

That, so far from the Republican tariff having increased prices, thereby enabling the Republican manufacturers to pay American labor better prices—provided, of course, they were willing to

pay them, an impossible supposition—the truth was that articles upon the free list have advanced more in price than articles upon the protected list, and therefore, according to the Republican theory, people who were producing articles on the free list earned more money for their products and were thereby enabled to pay better wages than protected manufacturers producing protected articles, provided, of course, the manufacturers made richer were willing to pay more.

That is not all, Mr. Chairman. I think it is time we were finding out whether some other Republican ideas are fallacies or not. The gentleman from Connecticut did not produce quite a fair list, because of course the gentleman knew that anthracite coal was not upon the free list.

Mr. HILL. Will the gentleman pardon me?

Mr. WILLIAMS of Mississippi. I refuse to take it for granted now that the gentleman did not mean what he said.

Mr. HILL. The gentleman says I was not fair in my quotation, but does the gentleman state that I did not quote accurately?

Mr. WILLIAMS of Mississippi. The gentleman quoted perfectly accurately—I did not mean to say that he did not quote fairly. I was not paying attention to my words. I mean the gentleman did not properly take his figures, and that he did not believe in his figures, not in his conclusion from them.

Now, Mr. Chairman, it is perfectly easy to go around and take up a figure here and a figure there and make figures prove almost anything. Somebody said figures never lie, but Macaulay said that figures were the only facts that could nearly always lie—it depended on who used them. Now, my friend has selected a list of articles.

Mr. HILL. The gentleman from Minnesota means to be fair?

Mr. WILLIAMS of Mississippi. Oh, certainly.

Mr. HILL. Did I not take every article in the entire free list furnished in the Democratic campaign text-book? Did I not take every article upon the free list without exception?

Mr. WILLIAMS of Mississippi. Yes; but not every one which was taken as upon the protected list. [Applause.] You did not arrive at any average down the line. And when you took the figures given by the Democratic campaign book as to articles on the free list, you took at least three articles, as I recollect, about which the Democratic campaign book had made a mistake—anthracite coal for one—and the Democratic campaign book is not to be blamed for making a mistake about anthracite coal being on the free list, because the President of the United States himself, who lives so strenuous a life that he ought to find out everything, did not find out, until after he had made a campaign speech to the contrary, that there was a duty on anthracite coal. The Secretary of the Navy also announced in a public speech that anthracite was on the free list. The Dingley bill reads at first blush as if anthracite coal were free, but it bore until the other day a duty of 67 cents. It reads at first blush as if kerosene oil, out of which the great Standard Oil Company has been formed into almost a monopoly, were also upon the free list.

But I know it is not, and the gentleman from Connecticut knows that it is not. The Dingley bill, on the contrary, imposes practically a very high protective tariff upon oil, because it says that it shall be free, except when coming from countries which levy a duty upon oil imported to their shores; and about the only country in the world that makes oil for export, except the United States, is Russia, and it imposes an abnormally high import duty upon oil, and therefore we levy in return an abnormally high import duty upon the only sort of oil we can import.

Binder's twine has the same kind of a provision in the Dingley bill, so that it could not be said to be altogether upon the free list.

Now, I am going to take some figures which I am going to select for exactly the opposite purpose, and perhaps the two exhibits taken together may answer one another. I want to take the very sheet from which my friend from Connecticut read. I turn to wire nails. I find here, first, that the gentleman's quotations of prices is literally correct; but the gentleman will excuse me for reminding him that he took as a starting point the high mid-July price of 1896, when nails were at an abnormally high price, and before the formation of the trust which the gentleman, argues could not have controlled the prices.

Now, then, everybody knows that a trust starts off by lowering prices in order to drive competitors out of business, and after this trust was in control it lowered its prices for two years, until it had almost a monopoly of the American market, and after that the price increased regularly up to 1902, as these figures quoted by the gentleman show. Now, then, if the gentleman, instead of starting with the year before the Dingley tariff bill was brought in, will start with the year upon which that bill went into operation and had its effect, he will find a steady increase in the price of these wire nails. So his argument against the power of trust and tariff artificially to raise prices falls to the ground.

But, talking about the products of the steel trust, let us refer

to some more of these articles: Anvils, Peter Wright's, 1897, \$0.1025; 1902, *ibid.* Angles, per 100 pounds at tide, 1897, \$1.20; 1902, \$3.75. Axes, first quality and best brand, 1897, \$5.25; 1902, \$7; other brands quoted from Hardware, 1897, \$4.75, but in 1902, \$6.50. Barbed wire, galvanized, 1897, \$1.90; 1902, \$3.10. Chains, 1897, \$6.60; 1902, \$8. Pig iron, 1897, \$10; 1902, \$14.65. Pig iron, Foundry No. 1, 1897, \$12.75; 1902, \$16.75. Steel rails, 1897, \$25; 1902, \$28. Steel billets at Pittsburg, 1897, \$15.90; 1902, \$27.50. Steel beams at tidewater, 1897, \$1.70; 1902, \$1.75. Steel bars at tidewater, 1897, \$1.05; 1902, \$1.70. Shovels, Ames No. 2, 1897, \$7.93; 1902, \$9.12. Tin plates, 1897, \$3.50, and in 1902, \$4.19. All these are subject to the prices dictated by the present steel trust.

Then I come to barbed wire, which the farmer must use all the time, which has risen from \$2.02 in 1896 and \$1.90 in 1897 to \$3.10 in 1902, over 50 per cent.

I might add, controlled by other combines:

Boots, per dozen, in 1897, \$16; in 1901, \$18; and sold cheaper abroad.

White pine boards, at Buffalo, in 1897, sold at \$16; in 1902, at \$25.

I might add indefinitely, in nine cases out of ten supporting my contention and disappointing the wish—father to the conclusion—of the gentleman from Connecticut [Mr. HILL], other articles of iron and steel.

To show that it is the tariff and trust price and not the natural and normal price of these tariff-protected and trust-monopolized goods which has risen, every article—plows and harvesters and reapers and cotton gins and cotton-mill machinery—all virtually in the same category—are sold nearly at the 1897 price abroad and at the enhanced price at home.

Now, as to anthracite coal. Like the gentleman, I will not come down to the price at this time, because, to take the last price would not, I think, be dealing fairly with this question. But the price rose during the entire period—even excepting last year—

Mr. HILL. I stated distinctly that in making the average I excluded anthracite coal, because I did not think it fair to include it, and that if I had put it in it would have made the advance on free-list articles 74 per cent instead of 26 per cent.

Mr. WILLIAMS of Mississippi. But I said a moment ago that, like the gentleman from Connecticut [Mr. HILL], I would not include it, because it was not upon the free list and because its inclusion would have proved the opposite of what he said it would have proved if he had included it. That is the difference.

Now, let us take the subject of horse nails. I hear a great deal, Mr. Chairman, now and then about "protecting American labor" and how "American labor" is "protected" by a tariff—all folderol on both sides, as every informed man knows. Take a blacksmith, for example, or take a bricklayer. How in the name of common sense does the American tariff make the wages of a blacksmith or bricklayer larger than the wages of men in similar pursuits in Europe? And yet they are greater.

I will tell you the only way in the world in which the tariff affects the American blacksmith. It makes him pay about 40 per cent, I believe it is, more for his nails than the same American company, making the same nails, sells them for to his British cousin in London and in the other towns of Great Britain and upon the continent of Europe. Horse nails went up in price during the Dingley tariff period from 0.09 to 1.05 cents. Steel rails went up from \$25 to \$28, beginning with 1897, after the Dingley Act went into operation.

Mr. HILL. Is the gentleman not mistaken? Steel rails remained at \$28 straight through, according to Democratic authority.

Mr. WILLIAMS of Mississippi. Oh, they did not.

Mr. HILL. As I remember. I have not the figures.

Mr. WILLIAMS of Mississippi. The gentleman is again mistaken. In 1896 steel rails were, it is true, \$28.

Mr. HILL. What were they in 1902?

Mr. WILLIAMS of Mississippi. Let me continue. When the trusts had taken hold of them; they drove down the price of rails to shut out competitors, but steel rails rose from \$18 in 1898 to \$28 in 1902.

Mr. HILL. Just exactly what they were in 1896.

Mr. WILLIAMS of Mississippi. Yes.

Mr. HILL. And are to-day the same price.

Mr. WILLIAMS of Mississippi. Yes; but they ought to be very much below that.

Mr. HILL. Will the gentleman explain the effect on steel rails of the tariff or the trusts?

Mr. WILLIAMS of Mississippi. I am going to prove to the gentleman that they ought to be down where they were in 1897, viz, \$25, when the tariff began to have effect, or in 1898, viz, \$18 when the trusts began to have effect. I have here the testimony of President Charles M. Schwab. He admitted to the Industrial

Commission last May that in May, 1901, steel rails were exported at an average price of about \$23 a ton, when the domestic price was \$26 and \$28, a difference of from \$3 to \$4, and the foreign price now being the American price of 1897 and less by \$2.

Now, Mr. Chairman, it frequently happens that the tendency of a law is counteracted by the general trend of events. It frequently happens that although the trend and tendency of a protective tariff law are to enable a manufacturer to charge more to the consumer than he otherwise could, the real effect from other cause is that his prices are driven down somewhat, but that he is still enabled to get more than he could have gotten if the tariff law were not in operation.

Whenever a man is able to pay freight 3,000 miles across the Atlantic and still sell rails there at \$23 and \$24, that is a proof that that is the normal price for steel rails, plus freight, unless you take the position that the manufacturer sells rails at a loss. But they have been doing this, according to Mr. Schwab's testimony, not upon one particular occasion to get rid of a surplus, but for six years, and men do not carry on that sort of movement for that length of time simply to amuse themselves.

Mr. Chairman, a tariff law that fails to raise prices has failed of the purpose of the law. A trust that fails to raise prices or else to lower the wages of labor, one of the two, has failed of the purpose of the organization of a trust. A trust is formed not for a philanthropic purpose, not for the amusement of the various corporations that enter into it, but for the plain business reason of making money.

Now, there are only these methods in which an aggregation of corporations can make more money in the production of a given commodity than one of the corporations by itself could have made; they must make it by getting their wages for less, or by employing fewer laborers, by being able to present a consolidated front to the demands of labor when labor wants increased wages, or else by their power to decrease wages. That is one way. Another way is to control the price of the raw material, which must sell in an approximately monopolized market. A third way is to raise the price to the consumer by artificial means higher than the natural and normal demand and supply price in the market, and therefore take in more money.

Now, there is no other way under the sun, except to raise prices, reduce the price of labor or reduce the volume of labor, or control the price of raw material in an approximately monopolized market. Sometimes they merely decrease the volume of labor. How? Why, there is a factory in the town of my friend from Connecticut [Mr. HILL], there is another in the town of my friend from Virginia, and there is another in the town of my friend from Georgia, one man carrying on each business in the same line.

The trust is then formed. They close down the Georgia and the Connecticut plant and keep them idle, throwing out of work all the locally employed people, and continue their work with an increased volume of business and a decreased aggregate of labor at the other two plants. In this event, the consolidation makes money by decreasing the number of employees and plants. In the other cases supposed the process is self-evident. Now, unless a man takes the absolutely insane position that these great combinations of corporations are made for philanthropy or for fun, or just for pastime, he must admit that they are formed to make money, and he must admit that they can not make money in any other than in one of the ways that I have indicated. They must do one of those things or else they must fail of their purpose. If so, all trusts must be bad trusts, and there can be no "good trusts." Their purposes are bad, and contrary to sound public policy. Now and then one, of course, fails of its purpose.

But what I want to get at to-day is this: It seems to me that my friends upon the Republican side are shifting too much. They used to tell us long ago that the object of a protective tariff—I used to express it by saying that the object of a protective tariff was a sort of eleemosynary object to tax the great body of the consumers in order that more prosperity might be given to American manufacturers in order to hothouse into immediate and artificial prosperity certain industries at the expense of the general consumer, diverting American capital from naturally unprofitable channels to channels made profitable by legislation and with capital, its attendant, labor; but our Republican friends used to answer that by saying, "This is but a slight tax. The people ought to be philanthropic and patriotic and 'national' enough to enable America to have her own manufactures, and in order to do it the American manufacturer ought to be put in possession of the home market."

Now, during the last campaign they told us that the American manufacturer was already in possession of the home market and that he was marching on "conquering and to conquer." Then when we said, "Then you have accomplished your object," they said, "Oh, no; we want now to tax the American consumer in

order to put the manufacturer in possession of the foreign market, to fix it so that while he perhaps levies a higher price within his protected field upon the American consumer he may sell a great volume of goods at a living rate to the foreigner, and thereby gradually take possession of and conquer 'the markets of the world.'"

Now, what I want my Republican friends on the other side of this aisle to do is this: I want them to line themselves up on some sort of a theory, either the old Henry Clay theory of "protecting infant industries;" and then we will object to these gray-haired, brawny-armed fellows who not only own everything around them, but are selling to South Africa and to Great Britain herself.

They must either take that position or they must take the philanthropic and patriotic pretense position that the balance of the community can "well afford" to tax itself "a little" in order that "America may support her own manufactures," or they must take the "Vanderlip theory," that we are going to keep up the protective tariff "in order to conquer the foreign field," or they must take the "Hill theory," that things upon the free list advance more rapidly in price than things upon the protected list, and therefore furnish more money out of which to pay American labor. I do not care which you take, but take one or take the other. [Applause on the Democratic side.] Why, even a Democrat can not shoot in more than one direction at the same time. [Laughter.]

Mr. WM. ALDEN SMITH. And then he can not hit anything.

Mr. WILLIAMS of Mississippi. And then he likes to know where his enemy is, so as to know if he has anything to shoot at. Now, my friend from Connecticut [Mr. HILL] would be the last man in the world to contend that a comparison between goods on the free list on one side and goods upon the protected list upon the other side can be arrived at in any other way than by taking the entire volume of one and the entire volume of the other and then taking the average price upon each during a period of some considerable time. I do not care where it is, gentlemen, but wherever there is an article upon the free list a trust approximating a monopoly in that article can not be formed, except in so far as the company may be protected by international freight rates. It can not be formed.

Gentlemen say that there are trusts in Great Britain. If they mean by that that there are combinations of capital and aggregations of corporations, yes, of course, as there are everywhere, but there has never been formed the thing that we are fighting. "The thing we call a rose by any other name would smell as sweet." We know what we are fighting. We are fighting these great aggregations of corporate power which succeed in monopolizing or so nearly monopolizing the production of a given article as to be able practically to fix their own price upon it, or else practically to buy at their own price the raw material of the American farmer, or else control by shut-downs the labor employed—one of those three things.

Now, it would be impossible under the natural law to form a world aggregation of capital, I do not care how much or powerfully extended, that could practically control world prices, or that could practically dictate prices of world raw material; because the moment you attempt to form one in a free-trade country based on the control of raw material, England, for example, the great leviathans of the deep would plow the broad Atlantic laden with raw materials from America, laden with raw materials from the Baltic, Germany, and the balance of the world. And if a trust attempted to make its prices higher than the natural and normal prices fixed by God's law of supply and demand throughout the world, then the same great leviathans of the deep would bring the finished product in every succeeding day to tear down prices, and that little scheme would "die a-borning."

Mr. SIBLEY. Will the gentleman from Mississippi yield to an interruption?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. SIBLEY. I read from page 277 of the Democratic campaign book what it says on the theory of free trade:

The theory of free trade is that both seller and buyer are benefited by an exchange of commodities, and that, as all are consumers, the greatest good to the greatest number requires that there be no barriers to trade in order that goods may be as cheap as possible and the cost of living be reduced to a minimum.

I would like to know if the gentleman subscribes to that theory?

Mr. WILLIAMS of Mississippi. I understand the question, or the result at which the gentleman would arrive. Now, I am free to admit that one Republican contention is true. You can build up an industry by a protective tariff [applause on the Republican side] if you are willing to have the public pay the price. That is what you want to arrive at, is it not?

Mr. SIBLEY. Just one word more. I want to ask the gentleman this other question. Did not you and myself and Mr. Bryan go through these United States, from one ocean to the other,

advocating free silver because we said it would raise the price of every product that human toil created, and that that was necessary to stop the stagnation and paralysis that existed at that time? Now, then, you admit that free trade lowers prices; then we were demanding free silver to raise prices.

Mr. WILLIAMS of Mississippi. The gentleman is now taking that old cardinal fallacy that Adam Smith disposed of long, long years ago, and which has been out of existence since then except in the minds of men making a political argument. There is no blessing or curse in low or high prices per se. It depends upon what produces the high prices and what produces the low prices. A decreasing price brought about by improved methods of production, by cheapened processes—new inventions, for example—is always a blessing to humanity; decreased prices brought about by artificial legislative means enhancing the value of money are always a curse to humanity. [Applause on the Democratic side.]

Increased prices brought about by levying a toll upon products is always a curse to humanity. [Renewed applause.] A tariff levies a toll. Low prices brought about by the invention of new labor-saving machinery and increased lines of transportation and transportation facilities, thereby cheapening the tax upon the product from the producer to the consumer, is always a blessing to humanity. [Applause.] Now, I do not know what the gentleman said in the campaign referred to. I know I did not say what he suggests. I believe the gentleman has about as good sense as I have, and I do not believe that the gentleman ever went from the Atlantic to the Pacific or the Lakes to the Gulf preaching the bare, bald doctrine that enhancement of price, in itself, was a blessing to the world.

Mr. SIBLEY. I would ask the gentleman if 8.71 for cotton is not a blessing, and if this price and that wider market for the uses of it are not largely responsible for the condition that now exists in the sunny Southland. Instead of the 4.71 under the free-trade bill, you are getting 8.71 for your cotton now.

Mr. WILLIAMS of Mississippi. Yes; and we got 4 cents under the McKinley bill. Mr. Chairman, I am absolutely astonished at my friend from Pennsylvania. If there is any circumstance in all the world that shows what American brawn and American combination and American brain can do unassisted by government, it is the success of cotton culture in the South. There never has been a day in the history of the South that 1 per cent of the enhancement of the price of cotton came from a tariff. All that the tariff ever had to do with the cotton planter and the laborer in the cotton field was to increase the price either had to pay for plows, scrapers, shovels, axes, hoes, barbed wire, harness, gearing, gins, cleaners, and cotton-oil mill machinery.

We have sold our cotton in Liverpool, we have sold it in competition with the so-called pauper labor of India that works at one-tenth of what our labor works for, we have sold it against the pauper labor that shelters itself under the shadow of the pyramids, under English organizations and capitalization, and we have held our own in all and every country.

Mr. Chairman, the protective tariff has made the difference between American wages and British wages, has it? If so, why was it that American wages in colonial times, when we were a part of Great Britain and when every law was in favor of Great Britain against ourselves and in favor of every English manufacturer and farmer against ourselves, that the wages of the American mechanic, the wages of the American woodmen, the wages of the American worker of every sort in the farm and in the field and in the mines were greater than they were in Great Britain? Why is it that the difference between the two scales of wages was greater then than it is now?

Let me ask another question. Why is it that the wages in highly protected continental countries like Austria, France, and Germany are less than they are in Great Britain with free trade? Do you expect by that that I intend to leave the impression that it is because of the protective tariff? No; I try to preserve my intellectual integrity at every hazard. It does not prove that free trade makes higher wages; it does not mean that protective tariff produces higher wages. I will tell you what it proves. It proves that neither one of them has anything to do with it. What does make high wages? God's eternal law of supply and demand. As Bourke Cockran said, "When two jobs are hunting one man, wages are high; when two men are hunting one job, wages are low."

There is something else, however, Mr. Chairman, if I have got the time to tell about it, and that has something to do with wages, because when I make the statement that the demand for labor and supply of labor fixes the price of labor, then you ask me why is it under this eternal law the wages for Americans are higher than in Great Britain and that the wages in Great Britain are higher than they are in Prussia and Austria and France. Why is it that the demand for labor should be brisker here and in Great Britain after us, next to the colonies of Great Britain, than in other countries? I tell you it is because the supply of

labor is less. It is less in Great Britain than in the other settled countries except ourselves. I am leaving out of consideration the British colonies.

Why is it the supply of labor in the shop and in the factory and in the mine is less in proportion with us, and after us in Great Britain, than the supply of labor anywhere else on the globe? In order to answer we have got to get back to that old principle enunciated by Ricardo and indorsed by that great democratic man, that great prescient genius whom I admire more every day that I live, Thomas Jefferson [applause on the Democratic side], that, everything else being equal, wages will be high where land is cheap and wages will be low in that country where land is high. Why? Because of the natural law of preference that man goes to agricultural pursuits when he cheaply and profitably can.

Mr. SIBLEY. Will the gentleman allow me an interruption?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Pennsylvania?

Mr. WILLIAMS of Mississippi. I will yield.

Mr. SIBLEY. The gentleman has mentioned the name of that great statesman, Thomas Jefferson. I want to ask him if Jefferson, about 1814, if I recollect right, did not write a letter recanting all his former free-trade theories and say that new conditions had arisen which led him to modify his opinions on that subject which he had theretofore expressed?

Mr. WILLIAMS of Mississippi. I do not think he ever did. I never heard of his suffering from temporary insanity in his life; I do not think it ever occurred. I think the gentleman is mistaken. [Laughter.]

Mr. BOUTELL. Mr. Chairman, will the gentleman from Mississippi allow me a suggestion?

Mr. WILLIAMS of Mississippi. I will.

Mr. BOUTELL. Right in that connection, with the gentleman's admiration for the opinion of Thomas Jefferson and in connection with his interest in the welfare of the laboring man and the interest of the Democratic party in the welfare of the American workman, will the gentleman allow me to call his attention to a letter of Thomas Jefferson to the Hon. John Jay, written August 28, 1785, and courteously marked "Private." It reminds me of the communications of this distinguished gentleman on the subject of the annexation of Louisiana when it was all to be used sub silentio. In speaking of his desire to keep the country an agricultural country, which seems to be the desire of my Democratic brethren ever since—

Mr. WILLIAMS of Mississippi. Oh, no; not when by natural evolution and without the assistance of laws artificially hothousing other industries, it becomes otherwise.

Mr. BOUTELL (reading):

Our citizens will find employment in this line (agriculture) till their numbers, and of course their productions, become too great for the demand, both internal and foreign. This is not the case as yet, and probably will not be for a considerable time. As soon as it is the surplus of hands must be turned to something else. I should then perhaps wish to turn them to the sea in preference to manufactures because, comparing the characters of the two classes, I find the former the most valuable citizen.

Now, here is the opinion of the founder of the Democratic party on the subject of the American workman and the American mechanic—an opinion which the gentleman from Mississippi says he has followed in his admiration for this great man:

I consider the class of artificers as the panders of vice and the instruments by which the liberties of a country are generally overturned.

[Applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, Homer said that Jove himself sometimes nodded. Pope says:

Be Homer's works your study and delight,
Read them by day and meditate by night.

And yet we are told Homer did himself sometimes nod. [Applause.] That reminds me of another great man who has nodded—a man of a strenuous life, who said that he regarded the cowboy as an infinitely higher specimen of humanity than the man working patiently at his plow or at his anvil supporting a wife and raising children for the Republic. [Applause.] From the way you Republicans are at present fighting organized labor I think you perhaps want me to agree in a great man's temporary aberration of expression. But that has nothing to do with this question. I am trying to discuss a proposition on which I indorsed Mr. Jefferson's opinion, whose character and whose general opinions I also indorse.

I do not know which is the highest class of people on the surface of the earth, although I have a sort of class feeling that God's own creatures are the men who are closest to the ground, and that men generally, like the giant Antæus, gather strength—moral, mental, and physical—from contact with mother earth. I believe that agriculture in its happy condition, is the noblest, purest, healthiest, and highest pursuit of man. [Applause.] But I do not believe that artificers, or merchants, or preachers, or

anybody else are any worse than they can help being. [Laughter and applause.]

Now, let me go on with this theory about land and wages.

Mr. LOUD. I will remind the gentleman that in three minutes the Committee of the Whole must rise, in order that the House may take up the special order fixed for 8 o'clock. I suggest that the gentleman can conclude his remarks at some other time.

Mr. WILLIAMS of Mississippi. I think I can finish this line of remark in three minutes; at any rate, I will try. If I do not, I will shove into the RECORD my favorite plan for starting the banana industry in this country. I want to show how, by levying a duty of a dollar apiece on bananas, every man can get a home-produced banana at 90 cents' cost, and this, too, without raising the price of labor employed in raising bananas, while promoting the prosperity of the persons whose capital may be employed in raising the bananas in hothouses. [Laughter.]

Now, let me go on. If you take a country where land is cheap to buy or to rent, men are going into agriculture, as far as they can, because it is the most enticing, natural, normal, healthy, primitive, and attractive life; and the men who are enticed out of agriculture—who are engaged in the mine or the factory—will have to be paid higher prices. If you take a country where land can be rented for \$1 an acre and bought for \$5 or \$6 or \$15 or \$50 an acre, the men who are even already operatives, working in factories, can better withstand the demand of the manufacturer than in lands where land sells at \$500 or \$1,000, and the manufacturer can better afford to raise wages, even to the artificer, rather than to shut down.

Even when the artificial period of organized labor has come, if the manufacturer or the mine owner wants the man working in the mine to receive less than he ought to receive, the laborer can respond, if land and rents are low, "No; I can go and buy for a very small amount of money a few acres sufficient for a home; or if I can not buy the land, I can rent it;" and down in the good State of Mississippi to-day he can say, "I can go to Mr. WILLIAMS, or some other planter, who will furnish me a mule on credit, and supply me with a place to put in a cotton and corn crop, a home to live in, a garden spot for vegetables, a cow lot, general plantation pasturage, all the wood I need for cooking and fuel, a wagon to haul it, my family supplies on a credit, team and implements and home and garden and fuel without charge, and all I will have to pay him will be one-half of the gross proceeds of the common venture of his land and capital and brain and my brawn and muscle and brain," and how can you oppress labor under such circumstances? How could either capital or organized labor oppress it? Two men are hunting one job with the "land vent," as Mark Smith aptly calls it, to help labor.

Now, why is it that Great Britain has, next to America, the highest wage scale? Because the British nation possesses, next to America, a larger body of fertile and cheap land than any other country upon the globe, and although those lands are in Australia, in Cape Colony, and in Canada, still it is true that there is hardly an Englishman who has not a cousin or a brother or a father or a son that has gone to the colonies. So that is just like moving from Connecticut to Ohio, or from Ohio to Mississippi—just like our interstate immigration movements.

As long as you can keep down the supply of labor in the factories and in the mines by keeping a safety-valve of escape toward the farm and the field, towards cheap land to buy or to rent—as long as you can maintain a "land vent," so long are you going to have high wages; and when you can not, when you have settled this country so densely that you can not do that, your wages will not possess the advantage that they do to-day, nor any advantage, except that proceeding from organized labor, in union, intelligently and firmly directed. Now, there is another reason. Wherever land is cheap to rent or buy, wherever men feel free and are filled with an incentive and with hope in their hearts, there they work better.

They do not work as though they were chained like slaves to the galley, to do a certain task to-day and then quit, merely to earn their wages, but each man was taught when he was a boy that he may be a millionaire some day, or the President of the United States, or a Congressman even. [Laughter.] So he works with hope in his heart, hope singing merrily and ambition spurring him like a good rider on a thoroughbred steed, and he is not like those in the class of labor found, for instance, in Austria, who know that all they can do is to get money enough to buy their food and raiment and a glass of beer or two after the day is over and have enough left to pay three kreutzers to sit in the park and listen to Strauss's band. [Applause.]

[Here the hammer fell.]

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. GROSVENOR] having resumed the chair, Mr. HEPBURN, Chair-

man of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16990, the Post-Office appropriation bill, and had come to no resolution thereon.

REPRINT.

Mr. LOUD. Mr. Speaker, I ask unanimous consent that there may be a reprint of the bill H. R. 16990, the Post-Office appropriation bill.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that there be a reprint of the Post-Office appropriation bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SCHIRM was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of David E. Kaller, Fifty-fifth Congress, no adverse report having been made thereon.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

The SPEAKER pro tempore. The House is in session pursuant to the special order of the House, which the Clerk will read.

The Clerk read as follows:

On motion of Mr. PEARRE, by unanimous consent,

Resolved, That the exercises appropriate to the reception and acceptance from the State of Maryland of the statues of Charles Carroll of Carrollton and John Hanson, erected in the Statuary Hall, in the Capitol, be made the special order for Saturday, January 31, 1903, at 3 o'clock p. m.—Order made in the House Wednesday, December 17, 1902.

Mr. PEARRE. Mr. Speaker, I ask that the letter of the governor of Maryland, which has been read heretofore in this House and laid upon the table, be taken from the table and read again.

The SPEAKER pro tempore. Without objection, the Clerk will report the letter.

The Clerk read as follows:

EXECUTIVE DEPARTMENT,
Annapolis, Md., December 15, 1902.

To the Senate and House of Representatives
of the United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the general assembly of Maryland, by chapter 311 of the Acts of 1898, made an appropriation to procure statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of the Continental Congress of 1781 and 1782, to be placed in Statuary Hall, in the Capitol, at Washington, D. C.

By authority of the act of the general assembly of Maryland, the governor appointed John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Fabian Franklin, and Richard K. Cross to constitute a commission to procure and have the statues erected.

I am informed by the commissioners that the statues were made by Mr. Richard E. Brooks, of Boston; that they are completed and have been placed in position, and are now ready to be presented to Congress.

As governor of the State of Maryland, therefore, I have the honor to present to the Government of the United States the statues of the distinguished statesmen named.

Very respectfully,

JOHN WALTER SMITH,
Governor of Maryland.

Mr. PEARRE. Mr. Speaker, I submit the following resolutions, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the State of Maryland for providing the bronze statues of Charles Carroll of Carrollton and John Hanson, citizens of Maryland, illustrious for their historic renown and distinguished civic services.

Resolved, That the statues be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Maryland.

Mr. PEARRE. Mr. Speaker, on the 2d day of July, 1864, the President approved an act of Congress inviting each of the States to present statues, not more than two in number, of deceased persons who had rendered such military or civic service as entitled them to commemoration as national figures in Statuary Hall in the National Capitol.

Maryland, hesitating lovingly among the multitude of her distinguished sons, Thomas Johnson, William Pinkney, William Smallwood, John Eager Howard, Samuel Chase, Otho Holland Williams, Luther Martin, Roger B. Taney, Reverdy Johnson, Henry Winter Davis, Francis Scott Key, and a score of others, has at last made her selection and has presented the two handsome bronze statues which have been added to the brilliant galaxy of statesmen and soldiers which surround the nation's Hall of Fame.

By an act of the general assembly of Maryland, approved in 1898, an appropriation was made and a commission appointed, consisting of Ex-Governor John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Dr. Fabian Franklin, and Richard K. Cross, who were instructed to have designed and cast statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of the United States in Congress assembled from 1781 to 1782.

The marked ability and artistic taste with which that commission has discharged its duty are attested by the excellence of these two statues, executed in bronze by Mr. Richard E. Brooks, of Boston, Mass.

To accept this gift of the old Commonwealth of Maryland to the Government and people of the United States, are we gathered here to-day under authority of a resolution of the House of Representatives, adopted on the 17th day of January, 1903.

The pleasant duty devolves upon me to speak to the exalted virtues of Charles Carroll of Carrollton. To form an adequate estimate of the character of a man who has gone before us, Mr. Speaker, we must try to view him in the light of his time and to measure him by the standard then existing. To secure the true likeness, we must paint the picture on the background of his environment while living, with the side lights and full lights of his surroundings, inquire how far he followed or disregarded precedents, and learn the extent to which his course, in crises, conformed to or violated the rules and tendencies of his education and station.

When America was discovered, it was said that the new land concealed a fountain whose perpetual waters had power to reanimate age and restore the strength of youth. The tradition was true, but the youth to be renewed was the youth of society: the life to bloom afresh was the life of the race; and this was to be accomplished by the revolution of the colonies, which was the consummation of freedom's struggle for nearly two centuries. The forces working toward it had their origin in the great mental revival of the Reformation in the sixteenth century. Man, after groping through the darkness of feudalism, had at last faintly seen the light. Free inquiry, freedom of thought in spiritual affairs, was soon followed by the desire for freedom of thought and action in the temporal order. The dignity of man's individuality had been clouded by his subserviency to superior power. In the old civilization of Europe, authority and power moved from the superior to the inferior. The Government esteemed itself invested by divine right with the power to furnish protection and demand submission.

But a new principle had taken possession of the heart of man. The right to apply the powers of his mind to any question, and to assert his individual judgment began to creep upon his intelligence.

Successive ages of struggle, successive lives, and deaths of heroes in the world of thought, had brought man to the idea of the freedom of the individual, and it was then but the work of time to carry him to the comprehension of the power that lies in the collective reason of the whole—to teach him to substitute the natural equality of man for the hereditary privilege of monarchs, to replace the irresponsible authority of a sovereign with a dependent government emanating from the harmonized opinions of equal individuals.

The spark of liberty that first glimmered in the breasts of the Anglos and Saxons in the forests of Germany kept smoldering through the centuries, now fanned into a flame by the tyranny of kings, until the Magna Charta is secured, again but a dying ember under the Tudors; now flashing fitfully in the petition and declaration of rights, and again lost sight of in foreign wars, often faint, but never dead; often hidden, but always glowing in the Anglo-Saxon breast until it burst into a blaze of beauteous glory in the Declaration of Independence, and its full effulgence rested on a free and united land.

The seventeenth century found Charles the First on the throne of England; headstrong but vacillating, arbitrary but weak, tyrannical and false, this monarch was little fitted to control the English people at a time when the leaven of liberty was working in the souls of his subjects. The divine right of kings was the political doctrine of the Stuarts; the divine right of the people was the political truth of the century.

Prerogative took the field in its stubborn contest with the popular will and never left it until the Declaration of Independence rang the death knell as well to the tyranny of kings as the tyranny of Parliaments.

In 1760 George the Third ascended the throne of England, and the tyranny of the seventeenth century, which was supposed to have died with Charles the First and the deposition of James the Second, was revived. The hand on the clock of time is turned back; civilization halts in its progress. His whole policy was bent upon the subjugation of the colonies to raise revenue, as Charles the First had done. He undertook to tax the colonies without their consent, and the stamp act was passed through Parliament with scarcely a division.

Then began the great struggle for representative government against the arbitrary power of one man.

Two great waves broke in fury over Great Britain and her colonies in America. The one ancient, the power of monarchy, rolling with all the accumulated strength of centuries; the other modern, the united will of the people, agitated by the tumultu-

ous swellings of a popular spirit, increased by the coming flood of a newer and more modern enlightenment, rolled on in its overwhelming and resistless course.

The nobility of England had forgotten the revolution of 1688 and the lessons it had taught. The King had forgotten the lesson of the death of Charles the First, and the power to tax the colonies internally without their consent in the face of the Magna Charta, the declaration of rights, the charters of the colonies, and the determined will of the people was not only asserted as a financial necessity but maintained as a political right.

This was the England to which Charles Carroll of Carrollton went in 1757, when he entered the Temple at London to study law at the age of 20, after having spent the prior period of his life from 8 years of age at St. Omers, Rheims, and Paris, in France, the home of absolute monarchy.

Such was the situation of the province of Maryland and its relation to the mother country when, in 1764, a refined and cultured aristocrat, the pampered son of a father who was the protégé of Cæcilius Calvert, and bound to the Stuarts by every tie of social contact and royal beneficence, he landed at Annapolis on the 14th of February, at the age of 27, a disfranchised citizen by reason of his faith. Charles Carroll of Carrollton was of almost royal ancestry, being descended from the princely family of the Carrolls of Ely O'Carroll, Kings County, Ireland.

He was an aristocrat by birth, breeding, education, and association. His every hereditary connection and tendency was monarchical. He did not spring from the free gentry of Great Britain, nor from the masses who, during the century of his birth, were struggling for the recognition of the inherent rights of free manhood, but from the ruling classes, who, attached to the absolute monarchy of their time, were fighting to delay, aye, to prevent, this recognition. His paternal grandfather, Charles Carroll, after his admission to the bar, became the secretary of Lord Powis, one of the ministers of James the Second, who bespoke for him the favor of Cæcilius Calvert, the first Lord Baltimore, with whose commission of attorney-general of the province he came to Maryland in 1688.

By Lord Baltimore he was endowed with large landed estates, which made him and his descendants the wealthiest residents of the province, and he was ever attached to the service of the proprietary, the grant of the King.

His father, Charles Carroll the second, if I may so call him, was also connected with the proprietary by every tie, and had that pride of ancestry characteristic of caste and class, invariably binding such men to the existing order and opposing them to changes in government.

In 1761 we find him writing to his son, Charles Carroll of Carrollton, then a student abroad, to trace back his Irish ancestry to the year 1500, in these words:

I find by history as well as by genealogy that the country of Ely O'Carroll and Dirghull, which comprehended most of King's and Queen's counties, were the territories of the O'Carrolls, and that they were princes thereof. You may, as things are now circumstanced, and considering the low estate to which all the branches of our family are reduced by the struggles the ancient Irish maintained for the support of their religion, rights, and properties, and which received their finishing stroke at the Revolution, think my inquiry an idle one, but I do not think so. If I am not right, the folly may be excused by its being a general one, and I hope for your own and my sake you will gratify me by making as careful an inquiry as possible and giving me what light you can on the subject. As soon as there is peace I will send you the genealogy, in Irish and English, and I desire you will get our family in particular traced to its origin.

Thus descended, thus reared, thus associated, every factor of his environment should have molded the youthful mind of Charles Carroll of Carrollton in the rut of the past and ordained him as a defender of the tyranny of kings against the rights of the people.

Notwithstanding a previous effort of his father to have him sell his estates in Maryland and expatriate himself, he returned to America in 1765 a finished scholar and an accomplished gentleman and took possession of his large estates in Maryland, part of which was called "Carrollton," by which he afterwards distinguished himself from his relative, Charles Carroll, barrister, of Annapolis. With wealth to indulge every whim, with refined literary taste and ability to engage his thought, with friends to amuse him, and barred from public life and politics by his religion, there was nothing to draw him into the vortex of the controversy over human rights by which he soon found himself surrounded save the inherent sense of justice and of right which shaped his whole life. The profits of his profession offered no temptation; the emoluments of office could not allure the richest man in the province. He could hope to gain no concessions from the Provincial Government in espousing its cause; no place of prominence and power at the hands of the people for defending their rights, for both were Protestant. He was a Catholic, disqualified by reason of his faith from voting or holding office in the "Land of the Sanctuary."

The loss of his fixed and substantial wealth stood as a constant

warning to him not to be active in any of the many controversies arising in this new country and age, and pointed to indifference and neutrality as the course which an enlightened selfishness should pursue.

Association, friendship, love of home and neighbor, did not combine to turn him to the cause of his countrymen, for he had spent his whole life from childhood to mature manhood in the schools of absolutism in France, and had formed his friendships among those classes in both England and France which were not only wedded to the forms and practices of tyranny, but were in many instances a part of the government which oppressed.

No man in all the colonies was more encircled by conditions that would have predisposed him to the royal cause, or at least to diplomatic inactivity, than Charles Carroll of Carrollton.

Reason, experience, and indeed posterity would have condoned such a course, and nothing but an enlightened mind, a loyal and a brave heart, could have so completely divorced him from all the precedents of his life. The ordinary man is largely the creature of circumstances. He usually follows the crowd.

To accept the conditions in which a man finds himself, to agree with his neighbor, make no great draft on either moral or physical courage. To break the bond of one's surroundings, to sever old friendships and associations, to disagree with one's neighbor, aye, to fight and kill him, to risk life, property, all, in crises which involve all, demands that lofty moral courage, that intelligent self-containment, that complete unselfishness, that has in all ages distinguished the great man from the small.

What did this young Irishman find when in 1764, at 27 years of age, he set foot upon the soil of Maryland and took possession of his large estate? He found a fair land, dedicated to religious freedom, welcoming him as a citizen, but for his faith depriving him of a citizen's dearest rights; a province whose royal charter guaranteed its citizens all the ancient rights of Englishmen and protected them, in terms, from taxation by any but their own representative; a colony sacred to man's most modern rights trembling with the prospect of the stamp act, finally imposed on the 22d day of March, 1765.

He found the proprietary government, the government of which his fathers had been a part, the government of the benefactors of his family, bent upon imposing taxes upon the people in the shape of fees of public officers and tithes to the Episcopal clergy by proclamation of the governor, without the consent of the people through their representatives. The stamp act would have cost him but little, the fees to public officers and tithes to the clergy would not have embarrassed him seriously, in his great wealth. He could have paid them, but in each of these controversies he saw a principle embodied, the sacred principle that the people alone have the right to tax themselves. He saw that this question must be settled then, there, for him, for his fellow-citizens, for humanity, for posterity.

No hesitation marked his course. Throwing aside every association of his early life, risking his vast property, manfully overcoming every predilection arising from his ancestry, birth, and education, he cast his lot with the people. No public act or utterance marks his attitude toward this historic piece of tyranny, for he could not vote or hold office; but that his heart was the patriot's heart appears in a letter to his friend Edmund Jennings, of London, in which he says:

Should the stamp act be enforced by tyrannical soldiery, our property, our liberty, our very existence is at an end. And you may be persuaded that nothing but an armed force can execute this worst of laws. Can England, surrounded with powerful enemies, distracted with intestine factions, encumbered and almost staggering under the immense load of debt, little short of £150,000,000, send out such a powerful army to deprive their fellow-subjects of their rights and liberties?

If ministerial influence and parliamentary corruption should not blush at such a detestable scheme; if Parliament, blind to their own interest and forgetting that they are the guardians of sacred liberty and of our happy constitution, should have the impudence to avow this open infraction of both, will England, her commerce annihilated by the oppression of America, be able to maintain these troops? Reflect on the immense ocean that divides this fruitful country from the island whose power, as its territory is circumscribed, has already arrived at its zenith, while the power of this continent is growing daily and in time will be as unbounded as our dominions are extensive. The rapid increase in manufactures surpasses the expectation of the most sanguine American. Even the arts and sciences commence to flourish, and in these, as in arms, the day, I hope, will come when America will be superior to all the world.

Prophetic hope, uttered at the dawn of the nation's darkest day, resplendently realized at the dawn of a new century, on a day when we commemorate the virtues of the patriot whom it inspired!

In his opposition to the next step of government, to assume the rights of the people Charles Carroll left his retirement and stepped into public gaze as the avowed champion of the people. Public officers in Maryland had always been paid by fees fixed by the assembly. The law fixing those fees and the tithes which the Episcopal clergy of the Established Church were allowed to collect had expired by its own limitation. The house of burgesses and the council failed to agree on a new law, and Governor Eden

prorogued the assembly and by executive proclamation fixed the fees and tithes himself.

This action of the governor aroused more indignation in the province, if possible, than the stamp act, which was soon repealed. In his opposition to this proclamation he perhaps shone brightest in all his long advocacy of the people's rights against the aggressions of arbitrary power.

In a series of published letters, replete with erudition, in classic style and poignant satire, Charles Carroll again espoused the people's cause, and, on the broad ground that these fees and tithes were nothing short of taxes on the people, and as such could only be imposed upon them by their consent, through their duly elected representatives, he arraigned the governor and his secretary of state, the gifted Daniel Dulaney, in dialogues between the First and Second Citizen, and which were the philippics of the age.

During this written debate he was taunted as "Jesuit," "anti-Christ," a "man without a country;" and yet his devotion to the people's cause rose supreme over every insult, over all injustice, and inspired him with an eloquence of diction and a forcefulness of statement which put to rout the great Daniel Dulany, the peer of any lawyer of his time in England or America.

The broad liberality of his mind and soul, his devotion to civil and religious freedom, appear in this controversy, when in referring to the English Revolution he says:

That the national religion was in danger under James the Second from his bigotry and despotic temper, the dispensing power assumed by him and every other part of his conduct clearly evince. The nation had a right to resist and so secure its civil and religious liberties. I am as averse to having a religion crammed down people's throats as a proclamation.

This was the reply of a Catholic in a time of intense feeling between religious sects, which had gone to the length of bloody wars, in a controversy in which the deprivation of his rights by reason of his religion furnished the taunt to this adversary, and characterizes a mind as broad and a soul as lofty as the spirit of religious toleration in which Maryland alone of all the colonies first reared an altar.

Meanwhile events hurried on in rapid succession. England bent upon the subjugation of the colonies, deprived them of one ancient right after another—the duty on tea, the Boston port bill, the appointment of the judiciary by the Crown, the navigation acts, were all laid with ruthless hand upon the weak but determined colonists. The people remonstrated, petitioned, prayed. At last when petition availed not, when remonstrance seemed vain, when patience had ceased to be a virtue, and moderation had failed, the people of the colonies, characterized as well by their loyalty and obedience, as by their love of law and hatred of tyranny, rebelled against the systematic oppressions of George the Third.

The immortal Otis inspired Massachusetts by his magnificent patriotism and proposed a congress of the colonies. "Join or die" echoed from the green hills of New Hampshire to the shores of the Savannah. Virginia, under Patrick Henry, South Carolina, under Christopher Gadsen, and Maryland, with a spontaneous outburst of patriotism led by Charles Carroll and Thomas Johnson, approved the suggestion, and each of the colonies, catching up the music of union, joined with heavenly harmony in the glorious anthem of a new nation. In all this struggle the province of Maryland was foremost, most unselfish.

To prove this must we be reminded that the Frederick County court first had the courage, eleven years before the Declaration of Independence, to declare the stamp act unconstitutional; that before a hostile foot had pressed her soil the sons of Maryland flew to arms at the trumpet call of Massachusetts oppressions, not to defend their own homes, not to protect their own families, but to assist a sister colony in maintaining with their blood the principles of free government?

Must we again be told that the old Maryland Line was first to drive the serried ranks of England from the heights of Harlem to the point of the bayonet, and that they bore the brunt of almost every fight thenceforth to Valley Forge? Must the generous haste with which her sons responded to the call of the conquered Carolinas be recounted, and how, from Camden to Eutaw Springs, through Guilford Court-House, Hobkirk's Hill, and Cowpens, with a determined courage born of patriotic conviction, with an impetuous valor inspired by its responsibility to the future of mankind, the Maryland Line, the tenth legion of Green's army, the old guard of the Continental forces, dashed with Morgan through the veterans of the daring Tarleton and with Howard through the Irish Buffs of the gallant Webster, and drove them, at the point of the bayonet, in panic from the field?

No hated stamp ever polluted the soil of Maryland. Her citizens in daylight, not disguised as Indians, met the ship *The Good Intent*, laden with dutiable articles, at the harbor of Annapolis four years before the destruction of the tea in Boston Harbor, of which our infant lips are taught to prattle, and compelled her to put back to England with her unwelcome cargo, and within six

months after the destruction of the tea at Boston Harbor, assembled without disguise and compelled the owner of the *Peggy Stewart*, with a cargo of tea, to set fire to and burn her to the water's edge.

Out of a population of about 250,000 souls she furnished to the Continental Armies 5,000 militia and 15,000 regulars, 400 of whom, at the battle of Long Island, withstood six attacks of a full brigade of English veterans, covered the retreat of the Continental Army, saved it from destruction and the Revolution from collapse, leaving 260 of their number on the field.

Mr. Speaker, in paying tribute to one of Maryland's greatest sons I may be pardoned for this partial digression, which so naturally thrusts itself upon one's attention in reviewing the history of the time written by Northern men, who by some inadvertence seem to have overlooked the leading part the colony played in the war for human rights. In all of this, of all of this, was Charles Carroll of Carrollton, not as a soldier, but as an organizer and maturer of provisional and permanent government in the province and the nation.

While I am aware, sir, that military deeds and fame are more dazzling and lasting in men's minds than the less dramatic life of a civil officer during war, yet it is apparent that as great ability, heroism, and patriotism is needed and may be displayed in civil office in such crises as on the tented field. The army is the executive arm of a people in such a time, while behind the glamour, the martial pomp and glory of all successful wars lies the patient, painstaking, plodding statesman, reconciling differences, quieting passion, abating jealousies, re-forming government out of the broken pieces of a former structure, recruiting armies, providing financial system, guarding foreign relations, and raising revenue, without all of which wars are impossible and their results fruitless of good to the people.

Charles Carroll of Carrollton chose the less showy part. He formulated policy, inspired patriotism, collected troops and provided for their maintenance, guided public sentiment toward liberty, yet retained it short of license, embodied into laws rules of action for the people to fit the time, meet their aspirations, and safeguard the liberties which they won by blood and battle, not only from foreign but domestic attack.

The convention of Maryland assembled July 26, 1775, and at once adopted resolutions throwing off the proprietary power and assuming a provisional government. This convention issued its declaration of independence, known as the "Association of the Freemen of Maryland," in which they approved the resistance of British aggression by force, pledged themselves to sustain this opposition, and gave as their principal reason for such a course not their own wrongs, but the oppression of the province of Massachusetts Bay by the British. Carroll was a member of this convention and a signer of the articles of the association.

This association vested all the power of government in a provincial convention, and Carroll became a member of this convention. The executive power of the new government was conferred by this convention upon a committee of safety, consisting of sixteen members, and Carroll became a member of this committee, which had full charge of military and naval affairs. The glorious record of Maryland troops, which I have just faintly and partially reviewed, therefore was attributable in a large measure to his care and executive ability.

As a member of this committee and of the committee of observation of his county, as a commissioner with Samuel Chase, of Maryland, and Dr. Franklin to Canada to persuade her to join the colonies, as a member of Congress, as a member of the board of war and the committee on foreign applications, as a member of the senate of Maryland and of the United States Senate for many years, he did industrious, laborious, and distinguished service in conducting the war to a successful conclusion, securing the independence of the colonies and reorganizing society in the province and nation into well-regulated governments.

To follow him through the various public functions he performed would be to write the civic history of the State and nation during their struggles, and I shall but revert to some of his most distinguished services to both as a constructive statesman.

To him perhaps more than to any other single man was due the honor for securing official action by the colony in favor of casting her lot with her sister colonies. The people of the province met in convention on May 8, 1776, to select delegates to Congress, which was to decide whether the colonies should declare their independence, and agreed in this convention by resolution that the interests of the colonies would be best subserved by a reunion with Great Britain. Charles Carroll was absent, but at a subsequent session, June 21, he was present, and, prevailing upon the delegates to reverse their former action, prepared and succeeded in having adopted a resolution instructing Maryland's delegates in Congress "to join her sister colonies in declaring the united colonies free and independent States," with the proviso (which showed his zealous care of the autonomy of the State), that "the sole and

exclusive right of regulating the internal government of the colony be reserved to the people thereof."

The recent tendency to elect Senators by the popular vote gives peculiar interest to the fact that Charles Carroll of Carrollton, as a member of the first constitutional convention of Maryland, was the author of the method of electing the Senators of that State by electors chosen by the people and not by the people directly. This method, which obtained in Maryland until 1837, six years after his death, differed from that of every other colony that had up to that time framed a constitution, made the Maryland senate a famous body for many years, and furnished the model for the method afterwards prescribed in the Constitution of the United States for electing Senators thereof. It had the approval of Madison, Taney, and many others, and in the formative period of the State's early history secured the best ability of the State for the Senate and saved the people much hasty, ill-digested, and reckless legislation.

The necessity of perfect freedom of commerce between the States and the absence of any provision for it in the articles of confederation had perhaps as much to do with the framing of the Constitution of the United States, which made this country "one and inseparable, now and forever," as any other one thing. This necessity created the interstate-commerce clause in the Constitution, the shortest and perhaps the most benign and comprehensive provision in that great instrument; the clause through which alone it is conceded effective legislation may be enacted to regulate and control the so-called trusts. It is not, I apprehend, generally known that this necessity was first and most prominently developed in a controversy between Virginia and Maryland, which became acute in 1777. Virginia claimed the right to collect tolls on all vessels going through the capes into Chesapeake Bay, which right, if conceded, placed the trade of Maryland's principal port at the mercy of the State of Virginia.

Maryland resisted it, and in this year the two houses of the legislature appointed commissioners to meet those from Virginia to settle the jurisdiction of the rivers and the bay dividing the two States. Charles Carroll, Thomas Stone, and Brice Thomas Beale Worthington were selected with others from the house to prepare instructions for the guidance of the Maryland commissioners. This dispute convinced the States that all navigable interstate waters as well as all other means of interstate commerce must be within the regulation of a central and superior government, which was afterwards accomplished by the interstate-commerce clause.

Credit may be fairly claimed for Maryland, through Charles Carroll, of Carrollton, and her other representatives, for the promotion and accomplishment of another great national benefit, which has redounded richly to the welfare of the people—the surrender by the States to the General Government of all their western lands, which afterwards comprised the great Northwest Territory. Maryland first brought this matter to the attention of Congress, and persisted in her demand by refusing to sign the articles of confederation until this concession was made.

Maryland had been twice shorn of her territory, once by Pennsylvania and again by Virginia, and she was unwilling that these immense and unknown tracts, extending, as was thought in that day, to the Southern Sea, and subjugated by the blood of all the colonists, should be the sole estate of the several States which claimed them by vague titles.

This vast expanse, since divided into States and furnishing homes for thousands of prosperous American citizens, teeming with industry and rich in possessions of all kinds, owes in a large measure its present condition to the attitude of Maryland and the statesmanship of Charles Carroll of Carrollton, and the nation finds a better balance in the territorial area of its States.

Charles Carroll did not remain long in Congress, and, indeed, his career there does not seem to have been as brilliant in the two terms he served as his service in the State senate was. He resigned, after having been elected the third time, because, as he said:

The great deal of time which was idly wasted in frivolous debates disgusted me so much that I thought I might spend mine better than by remaining a silent hearer of such speeches as neither edified, entertained, or instructed me.

Comment upon the wisdom of his reason is, perhaps, unnecessary here.

Elected to the first Senate of the United States under the Articles of Confederation, still holding his seat in the Maryland senate, he was an active and influential—nay, a leading figure in both. The roll of almost every important committee in the Maryland senate during his long service there, and that of almost every committee of importance in the Senate of the United States, until he resigned therefrom to avoid losing his seat in the senate of his State, contains the name of Charles Carroll of Carrollton.

His legislative career, sir, seems to have been distinguished rather by real, unattractive, effective work in preparing bills, reports, and public papers than in the discussion of questions on the

floor. Scarcely a communication passed between the two houses of the Maryland assembly during his service in its senate that he did not prepare and present that communication. Fearless independence characterized his attitude toward and vote upon public questions in both the Maryland legislature and in both Houses of Congress. The records of both contain many votes on which he stood alone, or nearly so. If he were alone it was the loneliness of righteousness—his solitude was the solitude of conscientious conviction. Secure in the confidence of his own rectitude, he did not fear to stand alone, but always, whether in reports or debate, gave reasons for his positions that inspired the confidence of his associates in his integrity and intelligence.

Devoted to human freedom, although a large owner of slaves, he introduced a bill into the United States Senate for the gradual abolishment of slavery. Honest in every instinct, he resolutely and invariably resisted the issuance by State or Nation of a depreciated or depreciating paper currency, and maintained his position by some of the strongest papers ever written upon that subject.

His fertile mind grasped with equal ease all public subjects, from the bestowal of titles on public officers in the United States, which he opposed, to intricate questions of revenue, finance, and diplomacy.

His skillful management of Maryland's fight for the national capital, which resulted in its location on Maryland soil on the banks of the Potomac, stamped him as an astute leader of men and conspires with many other evidences of his greatness to make the erection of a statue to him on this spot most fitting.

Nor was great capacity for public affairs the only talent of this many-sided man. There are few great business enterprises of his time and section with the promotion and active management of which his name is not connected. As one of the incorporators of and a stockholder in the Baltimore Iron Works, as an incorporator of the company then known as "The Proprietors of the Susquehanna Canal" (to make that river navigable from the border of Maryland to tidewater), as one of the commissioners of the State of Maryland to confer with those of Virginia for the opening and extension of navigation on the Potomac, which resulted in the renewal of the Potomac Company, the parent of the Chesapeake and Ohio Canal, and, finally, as the first of the American directors of the Baltimore and Ohio Railroad, he proved that his capabilities were not confined to abstract discussion of theories of government, but extended to the successful advancement of the material interests of the State.

Tall, straight, slender, graceful, and imposing in figure and mien, polished and courtly in manner and address, refined and cultivated in mind and spirit, pure of purpose and of lofty ideals and aspirations, he was the paragon of the gentleman, the patriot, and the statesman of his time.

Leading by ability, not pretense; persuading by reason, not sophistry; commanding by affection, not fear, he was a distinct and effective factor in all the great work of his generation until, with honors thick upon him and the consciousness of work well done, he retired from public life with the love of those who knew him best, the lofty esteem of those with whom he served his country, and the confidence, respect, and gratitude of all his fellow-citizens, and died lamented by every man who cherished honor and loved virtue.

In the heart of the old Maryland, where he located the capital of the United States, at the left hand of the great Samuel Adams, who fired the citizenship of Massachusetts, as he that of Maryland, into open resistance to oppression, looking toward Allen and Garfield, of Ohio, formed from the trackless Northwest, which he saved to the nation for the constructing of free States, and in company with Benton and Blair, of Missouri, who in a later crisis led their State to adhere to the Union, as he, in the first great crisis, led his to adhere to her sister colonies to throw off the tyranny of England, he, and they, and all their associates will stand as silent and continual monuments to the immortal truth they labored and fought to establish, that the collective will of individual freemen is the truth and only source of the power and authority of all the governments of man. [Loud applause.]

Mr. DALZELL. Mr. Speaker, nearly forty years ago the President of the United States was authorized by law to extend an invitation to each State of the Union to contribute to the Chamber of the old House of Representatives, now known as Statuary Hall, the figures in imperishable marble or bronze of not exceeding two of her deceased citizens, illustrious for their historic renown or for distinguished civil or military service such as might be deemed worthy of national commemoration.

It is matter of historic interest that the author of the proposition was that distinguished son of Vermont to whom the people of this country in largest part owe their splendid Congressional Library and who for a period of more than forty years in the House of Representatives and in the Senate rendered to his country illustrious public service, the late Senator Justin Morrill.

What he said in speaking to the passage of the bill in the House on April 19, 1864, is worthy of reproduction here at this time. With reference to the Hall of the old House he said:

Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—

"Nature formed but one,
And broke the die in molding."

Its democratic simplicity and grandeur of style and its wealth of association, with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.

It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past, civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspiration and new incentives.

"Toscorn delights and live laborious days" and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerascably fixed their names on the pages of history.

Whether the conception was original with Mr. Morrill or not, I do not know. It may be that it had been his fortune to visit St. Stephen's Hall in the new palace of Westminster and to behold on either hand "the statues of Parliamentary statesmen who rose to eminence by the eloquence and abilities they displayed in the House of Commons;" of Hampden, the apostle of liberty, in an age of royal arrogance; of Falkland, Clarendon, Selden, Somers, and Mansfield, immortal in the annals of English law; of Sir Robert Walpole, Fox, Burke, and Grattan, unsurpassed in the logical and thrilling eloquence of English speech; of the Earl of Chatham, America's friend in her time of need, and of his brilliant son, incomparable statesman even in his early manhood, and, equally with his father, dear to us in his devotion to our cause, William Pitt.

It may be that, thrilled with the emotions of his sight, he contemplated an array of American statesmen, orators, and public men who in our American capital should challenge comparison with this array of the mother country in her historic hall. However that may be, it is nevertheless true that while "the actual form and mold of Justin Morrill, who has inerascably fixed his name on the pages of our history, does not appear in our Hall of Statues, it is also true that column and arch and the artistic whole bear testimony to his memory and are suggestive of his patriotic foresight.

Maryland to-day asserts her right to a place in the gallery of our heroes and presents to the nation the statues of two of her citizens illustrious for their historic renown, distinguished for civic service, and worthy of national commemoration, and prays judgment upon her choice.

In this ceremony Pennsylvania is no intruder. She claims a right to a part in the imposing exercises. William Penn and George Calvert (Lord Baltimore) were twin pioneers in an adventure upon a new continent. Quaker and Roman Catholic, they each sought a virgin soil on which to plant and nourish the principles of civil and religious liberty. Knight-errants were they in the search for that of which England in her decadence under the rule of the Stuarts knew nothing. But more than that, Pennsylvania and Maryland have an intimate place in history, because of the fact that the royal grants to Penn and Calvert gave rise to a question of title that has a marked place in our national history. Parts of the same territory were included in each royal concession. Hence arose a controversy which was ultimately determined by the definition of Mason and Dixon's line—a line which for years was looked upon not only as dividing territory, but as the boundary between human liberty and the system of human slavery. Such line of demarcation, thank God, is now a thing of the forgotten and buried past. Pennsylvania and Maryland are now as they were in the beginning twin champions of the institutions which mean liberty to all men, and but recently the valor of their sons fighting in a common cause testifies their common interest in humanity, even to the shedding of blood on foreign soils. Theirs a common flag and a common creed of freedom.

Maryland asks the nation to accept as her contribution to its gallery of heroes John Hanson and Charles Carroll of Carrollton. John Hanson was a distinguished patriot of the times that tried men's souls, and fills a large place in the Maryland history of those times. Others will speak at length of his virtues and his title to our regard. I prefer to speak of that other distinguished man whose statue in bronze we face to-day in the company of the immortals whom the various States of this Union have set up with pride in our Capitol—Charles Carroll of Carrollton. As much as any man of his generation anywhere, and more than any

other man of his generation in Maryland—and there were giants in those days—he stands for that generation's grand conception and heroic acts.

Born in 1737, he long outlived the contemporaries of his birth. Dying in 1832, at the age of 95 years, he is conspicuously known as the last survivor of the signers of the Declaration of Independence. But that is by no means his only title to an honorable fame. His life's history is unique. Thirty years he was a student, preparatory to a life of patriotic action equally long, and that was followed by another like period of rest and scholarly recreation in the practice of the virtues of citizenship which furnished to his contemporaries and to posterity an illustrious example for their guide and instruction. This triple career has no parallel in American history or, so far as I know, in any other. His first thirty years were spent partly in a home school, but mainly abroad in institutions of learning on the Continent, in a study of languages, of the arts, of philosophy, of all that conspires to make the accomplished and scholarly gentleman. He was a student of the civil law in France and of the common law in England.

Endowed by inheritance with great wealth he might have surrendered himself to the enjoyment of ease and the comforts of life, without regard to the great questions that the period in which he lived presented. His life covered the period preceding the Revolution, the Revolutionary period, and that which succeeded it. In each and all of these he was a prominent and commanding figure. He was during his whole life conspicuously Maryland's champion of the cause of civil and religious liberty.

His sojourn and education abroad had no influence upon his Americanism. He returned to his home in Maryland an ardent patriot, imbued with the spirit of independence and prepared to give his life, his energies, and his talents to its service. He returned at a time when the storm clouds were already gathering that presaged the Revolution, and he enrolled himself actively upon the side of the colonies and against the mother country. His scholarly and energetic pen was devoted to the task of creating and encouraging a patriotic and aggressive public opinion.

At one time a question arose in the house of delegates relative to the fees of civil officers of the colonial government. This the governor undertook to settle by a proclamation, and a question as to his right to do so became the subject of discussion in the public press. In a series of letters notable for their classic style, their convincing logic, and the spirit of freedom that pervaded them, under the nom de plume of First Citizen, Mr. Carroll assailed the governor's right. "In a land of freedom," said he, "this arbitrary exertion of the prerogative will not, must not, be endured." Although opposed by Mr. Daniel Dulany, the provincial secretary, a man of great power as a writer and distinguished reputation as a lawyer, Mr. Carroll succeeded in securing the indorsement of public opinion, and the governor's proclamation was burnt by the common hangman. He early foresaw that the continued encroachment of England upon the rights of the colonies must inevitably result in war.

When Mr. Graves, a member of Parliament, asserted that 6,000 soldiers would easily march from one end of the colonies to the other, he replied:

So they may, but they will be masters of the spot only on which they encamp. They will find naught but enemies before and around them. If we are beaten in the plains we will retreat to our mountains and defy them. Our resources will increase with our difficulties. Necessity will force us to exertion, until, tired of combating in vain against a spirit which victory after victory can not subdue, your armies will evacuate our soil, and your country retire a great loser by the contest.

In June, 1774, the delegates of Maryland as a protest against British aggression declared the importation of tea to be unlawful. A certain Mr. Stewart, a friend of Mr. Carroll's, was a consignee of a cargo of the forbidden merchandise in his brig *Peggy Stewart*.

Indignant people rose up to prevent the unloading. Mr. Carroll was appealed to by the owner for protection. Setting aside, however, his personal esteem for his friend, he declared the importation to be in defiance of the law, and said "My advice is that he (the owner) set fire to the vessel and burn her, together with the tea that she contains, to the water's edge," and this was done. In the Revolutionary period Charles Carroll of Carrollton filled many conspicuous and important as well as laborious offices in which his services proved of great advantage to the cause of the struggling colonists. He was a member of the first committee of observation in Maryland and a delegate in the provincial convention.

That convention at one time instructed the Maryland Representative in the General Congress "To disavow in the most solemn manner all design in the colonies of independence."

He secured a repeal of these instructions and a substitution in their stead of a direction to the Representatives "To concur with the other united colonies, or a majority of them, in declaring the united colonies free and independent States."

He was one of the three commissioners—Samuel Chase and Dr. Franklin being the others—appointed to effect if possible

a coalition between Canada and the colonies against the mother country.

Had the attempt, which failed, been successful and had Canada joined forces in the cause of independence, how different might now have been the complexion of the American Union! He was a member of the Congress that gave to the world the Declaration of Independence and one of the signers of that great instrument. He was a member of the board of war and continued while on that board and in Congress to be a member also of the Maryland convention. He was one of the committee appointed to draft the constitution of his State. After the adoption of the constitution, he was twice United States Senator from the State of Maryland. He was one of the commissioners for settling the boundary line between Maryland and Virginia.

I do not regard this as a proper occasion on which to attempt a lengthy or detailed review of the life of Charles Carroll of Carrollton. What I have said is sufficient to indicate that in the choice of his statue for Statuary Hall Maryland has complied with the strict letter of the law and contributed one of her citizens illustrious for historic renown and distinguished for civil service worthy of national commemoration.

Charles Carroll was an ardent Federalist, and with the downfall of that party in 1801 laid down the burdens of public and retired to private life. He was then 64 years of age. There yet remained to him, as the sequel showed, thirty-two years more of life, all of which were spent in the enjoyment of a dignified leisure, in scholarly pursuits, and in the practice of his religion, to which he was ardently devoted. He was an enthusiastic Roman Catholic, faithful to the teachings of his church and observant of its customs and obligations.

A scholar, a statesman, a man of affairs, a Christian gentleman, he was idolized by his fellow-citizens, not only for what he had done, but for what he was in himself and by way of example to others.

Since I came into this Hall this afternoon I find that so honored and conspicuous a figure was Charles Carroll in his old age that he received express recognition from Congress. I find the following letter, written to him by Andrew Stevenson, the Speaker of the House:

WASHINGTON, May 22, 1838.

SIR: I have the honor to communicate to you, by direction of the House of Representatives, the inclosed joint resolution of both Houses of Congress, extending to you, as the only surviving signer of the Declaration of Independence, the privilege of franking. You will be pleased, sir, to receive it as a token of the distinguished respect and veneration which Congress entertains toward an early and devoted friend to liberty, and one who stood preeminently forward in the purest and noblest band of patriots that this world has ever seen.

I can not resist the gratification which this opportunity affords of publicly testifying the strong sentiments of esteem and veneration which, individually, I entertain for your character and services, and expressing an earnest hope that the evening of your long life may be as peaceful and happy as it has been active and useful.

I have the honor to be, sir, your obedient and faithful servant,

ANDREW STEVENSON.

Speaker of the House of Representatives of the United States.

It was his happy lot to see the Government that he had helped to found grow in strength and influence; to see his country expand in territory and wealth, and to be inspired with the faith that the future held in store for it only continued and progressive advances.

Charles Carroll of Carrollton's title to enduring fame rests upon the fact that he was a lover of and a successful worker in the cause of human liberty.

A great American orator once said, in speaking about statues:

The honors we grant mark how high we stand, and they educate the future. The men we honor and the maxims we lay down in measuring our favorites show the level and morals of the time.

Mr. Speaker, we may safely abide admeasurement by this standard when we introduce into our American Pantheon Charles Carroll of Carrollton.

Could some miracle for the time being breathe the breath of life into the figures that adorn our Statuary Hall, Carroll would need no introduction to that company, nor would that company need introduction to him. The one touch of nature that makes the whole world kin would be found in the common love of liberty, in the common devotion to its principles, and in the common life service in its cause. It would be a goodly company, in which there could be no rivalry as between its members, except rivalry as to extreme devotion to country and to fellow-man; a company that includes soldiers and statesmen, diplomats, and men who have been potent factors in the advancement of civilization; such a soldier as the chivalric and knightly Kearny; such a diplomat as Livingston, who gave to us our empire west of the Mississippi; such an agent of civilization as Robert Fulton, creator of commerce; such a statesman as Webster, expounder of the Constitution; and, peerless in the world's history among the champions of liberty, the immortal Washington. [Loud applause.]

Mr. SCHIRM. Mr. Speaker, to commemorate her great men and to perpetuate the glory of their deeds by public ceremonies and in lasting works of art are the fitting acts of a great nation.

They inspire veneration for the past and infuse hope for the future. Love of country is thereby stimulated in the bosoms of both young and old, and the spirit of sacrifice wins the devotion of the heart for future crises. A country without monuments is a living death—she throws no beam of light upon the untrodden path of the future. To her humanity looks in vain for a guiding star, but a country that molds in bronze and stone her tributes to greatness ever lives, and tells the story of her achievements to the recurring centuries with charming eloquence. Sensible of these facts, the law of our land has provided that each State might send the effigies of two of her chosen sons to be placed permanently in the National Statuary Hall.

It pleases the fancy to reflect that in that hall the House of Representatives held its meetings until the completion of this magnificent Chamber, and the imagination, Pygmalion-like, conjures into living form the statues of those patriots who, by their oratory in the forum of the House or by their heroism upon the fields of battle, won laurels for themselves and shed luster upon the pages of American history.

The State of Maryland has now availed itself of its privilege and erected among those silent witnesses of great events and the doers of great deeds the effigies of two of her illustrious sons, Charles Carroll of Carrollton and John Hanson.

My worthy and eloquent colleague has already portrayed the character and achievements of Charles Carroll of Carrollton, and the pleasant duty has been assigned me of performing a similar office in honor of John Hanson.

The little colony of Maryland played an important part in the gigantic drama which closed with the independence of the United States; and it is from this period that Maryland has made both of her selections. So many able and brilliant men have graced the history of our State that much embarrassment was encountered in choosing but two upon whom to confer this distinction, for fear that thereby injustice might seem to have been intentionally done to others. Had we been privileged we could easily have filled all available space with effigies of renowned Marylanders and yet have felt dissatisfied that others equally worthy could not be added.

Among jurists the name of Roger B. Taney, Chief Justice of the Supreme Bench of the United States, suggests itself; among statesmen, Samuel Chase; among orators, William Pinkney and Henry Winter Davis; among soldiers, Col. John Eager Howard, who with the Maryland Line saved the day at Cowpens, Gen. Otho H. Williams, whose genius was displayed on many fields, and Lieut. Col. Tench Tilghman, who was an aid on the staff of General Washington; as a promoter of religious freedom, Cæcilius Calvert; as a writer of national anthems, Francis Scott Key, who gave to our country the Star Spangled Banner when he saw by the dawn's early light that our flag was still floating over the ramparts of Fort McHenry.

To John Hanson, however, belongs the distinction of having held the highest Federal office ever conferred upon a Marylander, that of President of the United States in Congress assembled, and of having done more than any other one man in the colony to destroy the supremacy of Great Britain. John Hanson was born at Mulberry Grove, Charles County, Md., on April 3, 1721. The Hanson family was a large one, and many of them found their way into the public service. His grandfather, Colonel Hanson, fell at Lützen for the cause of religious liberty; his oldest brother, Judge Walter Hanson, was commissary for Charles County; his brother Samuel was a patriot, and presented to General Washington £800 sterling to provide shoes for his barefoot soldiers; William, his youngest brother, was examiner-general of Maryland; his son, Alexander Contee, was a patriot and intimate with Washington. He was one of the first judges of the general court and chancellor of the State; he was an elector for Washington, and compiled the laws of Maryland; his son, Samuel, was a surgeon in the Life Guards of Washington, and his son, Peter Contee, of the Maryland Line, was wounded at Fort Washington.

The first mention of John Hanson in public life is as a delegate from Charles County to the lower house of assembly, in which he served nine terms. The disputes which arose between the two houses of assembly upon the burning questions of the day brought to the lower house, composed of the representatives of the people in the province, the ablest men in Maryland. He carried to that body a matured mind, which was there trained for the higher and more important responsibilities that awaited him in a broader field. At the close of the French and Indian war the tide of immigration turned to the fertile regions of Frederick County, and thither, in 1773, John Hanson followed the long train of sturdy home builders. In his new environment his personal magnetism was soon felt; his sound judgment and honesty of character won for him the respect and confidence of the people. His advice was eagerly sought in those times of growing dissatisfaction, and, through his efforts, the citizens of Frederick County became devoted to the principles of the Revolution and firm in their resistance to the oppressions of the mother country.

His influence constantly increased and he was the leading spirit among a band of determined patriots during the transition of Maryland from a dependent, proprietary province into a sovereign State. During this period of transition there gradually grew up side by side with the proprietary government another government—a government of the people. The latter was an outgrowth of the restless desire for freedom, and its formidable character was not suspected until it became too powerful to be checked. This new government consisted of a general convention of the province and its council of safety, while in the counties there were mass meetings and committees of observation, with an embryo department of state called a committee of correspondence. Hanson was a member of the convention and served as chairman of both the committee of observation and the committee of correspondence in Frederick County. To these honors was added that of treasurer of the county, and to him were intrusted all the funds to pay the soldiers and the delegates to Congress.

John Hanson was a silent, but no less effective, power. His activity was of that character as to require secrecy to make his plans effective. When, however, the crisis had been reached, when bold and fearless words were needed to arouse the resolution and strengthen the purpose of his compatriots, he arose in the convention in July, 1775, and with the unflinching determination of Patrick Henry declared that they would "repel force by force," and pledged himself to support the "present opposition." These were timely words. Enthusiasm was rekindled; other colonies heard them and rejoiced. From that day the colonists in Maryland were bound in closer union. Upon John Hanson primarily devolved the task of organizing and equipping the army. Money was scarce, arms and ammunition were scarcer, but his resourceful mind knew no obstacles.

Under his direction two companies of riflemen were sent to join the army at Boston, and these were the first troops that came from the South to Washington's assistance. Forty companies of minutemen were organized, and the whole of Maryland was put upon the defensive. Arms were manufactured, powdermills erected, and money provided through voluntary contributions. So thorough was his work that when 13,800 militia were required to reinforce the army, Maryland furnished much more than her full quota. That he had the confidence of the Government is evidenced from the fact that President Hancock made him one of a committee of two to transmit \$300,000 to General Washington for the maintenance of the army in Canada, and by the further fact that he was one of the committee of four deputized to reorganize the Maryland troops, for which purpose Congress furnished the committee with blank commissions to be issued under the advice of General Washington, to officers who reenlisted after the term of their enlistment had expired.

John Hanson rendered one service to his country that can not be too greatly extolled. Lord Dunmore, the proprietary governor of Virginia, conceived the plan of arming the Indians on the frontier and to make a simultaneous attack upon the colonies from the back country and from the coast. It was planned first to fall upon Fort Pitt, in Pennsylvania, and thence to work their way eastward to Alexandria, Va., in which vicinity there was a fleet of 90 British ships prepared to continue the onslaught along the waterways. The designs of Lord Dunmore were soon detected by Hanson and by his vigilance frustrated. Dr. John Connolly, one of the chief conspirators, who had been carrying dispatches from General Gage to Lord Dunmore, and who had been operating with the Cherokee, Swannee, Mingo, and Delaware tribes, with several of his comrades, fell into the hands of the minute men of Maryland, near Hagerstown, while they were on their way to Detroit. The arrest of these allies of the King and Parliament, of General Gage and Lord Dunmore, was followed by their imprisonment, and the conspiracy died.

About four years later, in 1779, in another sphere of action, John Hanson again proved himself the man of the hour.

Maryland had persistently refused to agree to the Articles of Confederation until some provision had been made for settling the question of the Western domain. That Maryland was right in her contention subsequent events have established; but a crisis had been reached upon which may have devolved the very existence of the Union. John Hanson, believing that the failure to effect a union would probably mean the loss of everything that had been achieved and that through union alone the perplexing questions could be solved, set to work to have the bar to a complete union removed. His attitude at this time was not unlike that of President Lincoln at a later period of our national history.

Hanson's efforts were rewarded by the passage of an act to empower the delegates of this State in Congress to subscribe and ratify the Articles of Confederation, and accordingly, on the 1st day of March, 1781, John Hanson and Daniel Carroll, as delegates of the State of Maryland, put their signatures to the document which was the beginning of the indissoluble Union of the United States. This having been accomplished, he threw his

entire force into the debate on the western land question. That question was settled according to the judgment of Maryland, and out of that vast territory which became the common property of all the States were carved the newer States of Ohio, Indiana, Illinois, Michigan, and a part of Wisconsin.

John Hanson was three times elected to the Continental Congress, and after his third election was elevated to the position of President of that body. During his first and second terms in Congress he was shown the distinction of being elected also to the lower house of the State. After twenty-five years of public service, rich with the honors that become the man with a clear mind and an incorruptible heart, he retired to private life and spent his last days at Oxon Hill, Prince George County, Md., where he died November 22, 1783.

John Hanson was one of those modest, unassuming great men who seek no glory for themselves, but find their highest reward in the good that accrues from their efforts to the great body of the people. He was essentially a thinker, a contriver, an unraveler of knotty points, a man to whom the people looked when other leaders said, "What shall we do now?" In those days, when there was great diversity of opinion among men of equal ability and patriotism, John Hanson proved himself a master in bringing to the front the central idea and enlisting the support of all men who in their adherence to the chief thought lost sight of minor differences. He was of a reflective temperament, weighing well each proposition, and standing firm by his decisions. Too little tribute has heretofore been paid to those quiet, thoughtful men who have furnished the basic ideas upon which governments have been founded and for which armies have contended. Behind the man behind the gun is the idea, the principle, the conviction, which justifies his use of arms, and without which an army becomes an irresponsible mob. It has been said that it is sweet and beautiful to die for one's country, but it is no less sublime to give to one's country sound doctrine and imperishable tenets. The statue of John Hanson, representing him in a reflective attitude, I now formally present to our country, whose Government he so grandly helped to establish. [Loud applause.]

Mr. Speaker, I move the adoption of the resolution offered by my colleague.

The SPEAKER pro tempore (Mr. GROSVENOR). The question is on agreeing to the resolution offered by the gentleman from Maryland [Mr. PEARRE].

The resolution was agreed to.

Mr. LACEY. Mr. Speaker, it is my sad duty to announce the death of my colleague, Hon. JOHN N. W. RUMPLE, who, at 4 o'clock this morning, after a long and painful illness, was called to his final reward.

Iowa has lost one of her most distinguished and pure-minded citizens; this House has been deprived of one of its ablest and worthiest members, and the veterans of the civil war have lost an earnest friend and comrade.

I will not now speak further of his life and character, but at some future time his colleagues will ask the House to set apart a suitable time for the purpose of paying tribute to his memory.

Mr. Speaker, I move the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has learned with deep sorrow and regret of the death of the Hon. JOHN N. W. RUMPLE, member of this House from the State of Iowa.

Resolved, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were agreed to.

The SPEAKER pro tempore. Pending the announcement of the result, the Chair, with the unanimous consent of the House, will appoint the following committee: Mr. HEDGE of Iowa, Mr. THOMAS of Iowa, Mr. HAUGEN of Iowa, Mr. SMITH of Iowa, Mr. CONNER of Iowa, Mr. HEMENWAY of Indiana, Mr. PRINCE of Illinois, Mr. GARDNER of Michigan, Mr. APLIN of Michigan, Mr. DARRAGH of Michigan, Mr. PAYNE of New York, Mr. GROSVENOR of Ohio, Mr. DALZELL of Pennsylvania, Mr. RICHARDSON of Tennessee, Mr. ADAMSON of Georgia, and Mr. CROWLEY of Illinois.

The resolutions are agreed to; and, in accordance with the order previously made, the House will stand adjourned until to-morrow, Sunday, February 1, at 12 o'clock noon.

Accordingly (at 4 o'clock and 39 minutes p. m.) the House adjourned until Sunday, February 1, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a

copy of a communication from the Supervising Architect of the Treasury submitting an estimate of appropriation for rental of buildings at Greensboro, N. C.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 17035) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property, reported the same without amendment, accompanied by a report (No. 3426); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted his views, to accompany report (No. 3375, part 3); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. NEVIN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted his views, to accompany report (No. 3375, part 4); which said views were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MERCER: A bill (H. R. 17167) providing for the purchase of a site and the erection thereon of stables for the use of the Government—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 17168) to increase the efficiency and safety of the mercantile marine of the United States by creating a commission to revise the laws relating to construction, installation, and inspection of marine boilers, to provide uniformity of inspection of marine boilers in the United States and insular possessions, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. RANDELL of Texas: A bill (H. R. 17169) relating to damages by certain corporations in the Indian Territory concerning fellow-servants, and for other purposes—to the Committee on Indian Affairs.

By Mr. REEVES: A bill (H. R. 17170) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A joint resolution (H. J. Res. 258) proposing an amendment to the Constitution of the United States prohibiting bigamy and polygamy—to the Committee on the Judiciary.

By Mr. McCLEARY: A concurrent resolution (H. C. Res. 77) to provide for the printing of the proceedings at the unveiling of the statue of the Count de Rochambeau—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 17171) granting a pension to Alfred G. O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17172) granting an increase of pension to Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 17173) granting a pension to James S. Weddle—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 17174) granting a pension to Susan J. Keller—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17175) granting an increase of pension to John W. Ijams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17176) granting an increase of pension to William H. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17177) granting an increase of pension to Amos B. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17178) granting an increase of pension to James A. Davis—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 17179) granting an increase of pension to Christopher G. Divers—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 17180) granting an increase of pension to Jane Davison—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17181) granting a pension to William Harden Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17182) granting a pension to Elizabeth M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17183) granting a pension to Christopher C. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17184) granting a pension to Catherine Smither—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17185) granting a pension to Kittie Shortlidge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17186) granting an increase of pension to John T. Rader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17187) granting an increase of pension to Francis M. Northern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17188) granting an increase of pension to James H. Layne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17189) granting an increase of pension to Peter N. Eichhammer—to the Committee on Pensions.

Also, a bill (H. R. 17190) granting an increase of pension to Joseph A. Brown—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 17191) for the relief of Gillie M. Pace—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land—to the Committee on the Public Lands.

By Mr. OLMSTED: A bill (H. R. 17193) granting a pension to Mary Zinn—to the Committee on Invalid Pensions.

By Mr. ROBB (by request): A bill (H. R. 17194) granting an increase of pension to Thomas Dipper—to the Committee on Invalid Pensions.

Also (by request): A bill (H. R. 17195) granting an increase of pension to Eli D. Hopkins—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17196) granting an increase of pension to Charles W. Boyer—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 17197) for the relief of Hannah B. Sabiston—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 17198) for the relief of James L. Carpenter—to the Committee on War Claims.

Also, a bill (H. R. 17199) for the relief of Mary E. Carey, executrix of the estate of James J. Newell, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 17200) for the relief of Adam L. Eichelberger—to the Committee on War Claims.

Also, a bill (H. R. 17201) to remove the charge of desertion from the military record of Andrew Brewton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Moses Mendelssohn Lodge, No. 147, Order of B'rith Abraham, of Philadelphia, Pa., relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Petition of the Woman's Christian Temperance Union and citizens of Livingston, Wis., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. BENTON: Paper to accompany bill for a pension to Alfred G. O'Neal—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for increase of pension of Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Protest of the Woman's Christian Temperance Union of Moran, Kans., against repeal of the anti-canteen law and also favoring the McCumber bill—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Resolutions of the Black Hills Mining Men's Association, of South Dakota, favoring the establishment of an independent department of mines and mining—to the Committee on Mines and Mining.

By Mr. COUSINS: Protest of the First Methodist Episcopal Church of Mount Vernon, Iowa, against the repeal of the anti-canteen law—to the Committee on Military Affairs.

By Mr. DOVENER (by request): Petition of G. S. McFadden

and 74 other citizens of Moundville, W. Va., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of the Woman's Christian Temperance Union of Burnsville, W. Va., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ESCH: Papers to accompany House bill to correct the military record of Isaac d'Isay—to the Committee on Military Affairs.

By Mr. GOLDFOGLE: Resolutions of Meier Malheim Lodge, No. 64; Kaiser Friedrich Lodge, No. 10, Order of B'rith Abraham, and Jacob Lodge, No. 68; William Heller Lodge, No. 4, Sons of Benjamin, all of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. HULL: Papers to accompany House bill 13142, granting a pension to Jonathan H. Mohler—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of D. R. Brown, of Memphis, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. McANDREWS: Resolution of Local Union No. 416, Brotherhood of Carpenters and Joiners, of Chicago, Ill., relative to the repeal of the desert land and homestead commutation acts—to the Committee on the Public Lands.

By Mr. OTJEN: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Petition of Ragsdall & Son and others of Kenesaw, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIMS: Petition of A. M. Roberts and other citizens of Densons Landing, Tenn., in favor of the post-check currency bills—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition of druggists, confectioners, and other citizens of Vernon, Tex., urging the reduction of the tax on alcohol used in soda drinks and extracts—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of citizens of Beaufort, N. C., for the construction of the inland waterway—to the Committee on Rivers and Harbors.

By Mr. WARNER: Petitions of retail druggists of Decatur, Mattoon, Charleston, Sidney, Ogden, and Bethany, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WRIGHT: Petitions of the Woman's Christian Temperance Union and citizens of East Smithfield, Pa., in favor of the enactment of laws prohibiting the sale of intoxicating liquors in Government buildings and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 1, 1903.

The House met at 12 o'clock m.

The Clerk read the following letter:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 1, 1903.

I hereby designate Hon. HENRY C. SMITH, of Michigan, as Speaker pro tempore this day.

D. B. HENDERSON, Speaker.

The SPEAKER pro tempore (Mr. HENRY C. SMITH). Prayer will be offered by the Chaplain.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Lord God and Father of us all, whose thoughts are above our thoughts and whose ways are past finding out, help us with faith to walk where we can not see the way, with confidence to trust where we can not solve the problems, that our lives may be sublime in faith and confidence, heroic in thought, word, and deed. How often in the midst of life and usefulness are those whom we love, honor, and respect taken from us, leaving the mind distracted and the heart desolate! How often has this Congress been visited by the Angel of Death! Only yesterday the sad news came to us that another member of this House has been taken from us, leaving a vacant seat and hearts rent with sorrow and grief. We pray most fervently that those who knew and loved him best may be comforted in the blessed thought that there is no death—that somewhere, some time, there will be a glad reunion. We thank Thee for the beautiful custom which prevails in the National Congress in setting apart a day for the purpose of eulogizing the departed. We are here to-day in memory of one whose life and works still live and will live in the minds and hearts of those who knew him and in the deeds wrought for his beloved country. Help us to emulate what was